

JOURNAL OF THE EXECUTIVE PROCEEDINGS OF THE SENATE  
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[54th Ex.]

THURSDAY, DECEMBER 9, 1830.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I submit for the consideration of the Senate a treaty of commerce and navigation, together with a separate and secret article, concluded at Constantinople on the 7th day of May last, and signed by Charles Rhind, James Biddle, and David Offley, as commissioners on the part of the United States, and by Mahommed Hamed, Reis Effendi, on the part of the Sublime Porte.

The French versions, herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the commissioners of the United States, and delivered to the Government of the Sublime Porte.

The paper in Turkish is the original, signed by the Turkish plenipotentiary, and delivered by him to the American commissioners. Of this a translation into the English language, and believed to be correct, is likewise transmitted.

ANDREW JACKSON.

WASHINGTON, 10 *December*, 1830.

The message and the treaty therein referred to were read.

*Ordered*, That they be referred to the Committee on Foreign Relations and be printed under an injunction of secrecy.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

GENTLEMEN: I transmit herewith a treaty concluded by commissioners, duly authorized on the part of the United States, with the Choctaw tribe of Indians, which, with explanatory documents, is submitted to the Senate for their advice and consent, as to the ratification of the same.

ANDREW JACKSON.

DECEMBER 9, 1830.

The message, treaty, and documents were read.

*Ordered*, That they be referred to the Committee on Indian Affairs, and that the treaty and documents be printed under an injunction of secrecy.

The following message was also received from the President of the United States, by Mr. Donelson, his secretary :

*To the President of the United States :*

I nominate the following persons as commissioners of the United States, under the 3d article of the convention of the 28th March, 1830, between the United States of America and His Majesty the King of Denmark, viz:

George Winchester, of Maryland, Jesse Hoyt, of New York, and Stephen Simpson, of Pennsylvania.

ANDREW JACKSON.

WASHINGTON, D. C., 9th December, 1830.

The message was read.

TUESDAY, DECEMBER 14, 1830.

The following messages were received from the President of the United States by Mr. Donelson, his secretary :

*To the Senate of the United States :*

Commissions having been granted during the recess of the Senate to the following persons, I now nominate them to the same offices as respectively annexed to their names :

John Randolph Clay, of Pennsylvania, to be secretary of legation of the United States at St. Petersburg.

Charles Barnet, of New Jersey, to be consul of the United States for the port of Venice, in the Austrian Empire.

Thomas William Gilpin, of Delaware, to be consul of the United States for the port of Belfast, in Ireland, in place of Samuel Luke, removed.

Paul Egnand, of ———, to be consul of the United States for the Island of Malta, in place of John Pulis, removed.

John L. Leib, of the Michigan Territory, to be marshal for said Territory, in place of Thomas Rowland, removed.

Noah H. Swaine, of Ohio, to be attorney of the United States for the district of Ohio, in place of Samuel Herrick, resigned.

Thomas B. Monroe, of Kentucky, to be attorney of the United States for the district of Kentucky, in place of John Speed Smith, resigned.

Benjamin K. Morsell, Nicholas B. Van Zandt, Joshua Nelson, and Nathaniel Brady, of the District of Columbia, to be justice of the peace for the county of Washington in said District.

Elijah Hayward, of Ohio, to be Commissioner of the General Land Office, in place of George Graham, deceased.

William Findlay, of Pennsylvania, to be treasurer of the Mint of the United States, in place of James Rush, removed.

Philip B. Barbour, of Virginia, to be judge of the United States for the eastern district of Virginia, in place of George Hay, deceased.

George W. Buchanan, of Pennsylvania, to be attorney of the United States for the western district of Pennsylvania, in place of Alexander Brackenridge.

Mathew Harvey, of New Hampshire, to be judge of the United States for the district of New Hampshire, in place of John S. Sherburne, deceased.



Frederick List, of Pennsylvania, to be consul of the United States for the port of Hamburg, in place of John Cuthbert, removed.

Nathaniel Niles, of Vermont, to be secretary of legation to France, in place of Charles Carroll Harper, resigned.

ANDREW JACKSON.

*To the Senate of the United States :*

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

James W. Ripley to be collector of the customs for the district of Passamaquoddy, in the State of Maine, vice Leonard Jarvis, resigned.

Daniel Lane to be collector of the customs for the district and inspector of the revenue for the port of Belfast, in the State of Maine.

William Claggett to be naval officer for the district of Portsmouth, in the State of New Hampshire, vice Elijah Hall, deceased.

Leonard M. Parker to be naval officer for the district of Boston and Charleston, in the State of Massachusetts, vice John P. Boyd, deceased.

William G. Hammond to be surveyor for the district and inspector for the revenue for the port of Newport, in the State of Rhode Island, vice John Slocum, deceased.

Faugh W. Sullivan to be surveyor and inspector of the revenue for the port of West Point, in the State of Virginia, vice Eugene Sullivan, deceased.

John J. Maxwell to be collector of the customs for the district and inspector of the revenue for the port of Hardwicke, in the State of Georgia, vice Alexander Netherclift, deceased.

William A. Whitehead to be collector of the customs for the district and inspector of the revenue for the port of Key West, in the Territory of Florida, vice Algernon S. Thruston, removed.

ANDREW JACKSON.

WASHINGTON, *December 11th*, 1830.

The messages were read.

*Ordered*, That the nominations of officers of the customs and consuls be referred to the Committee on Commerce.

*Ordered*, That the nominations of justices of the peace be referred to the Committee on the District of Columbia.

*Ordered*, That the nominations of John Randolph Clay and Nathaniel Niles be referred to the Committee on Foreign Relations.

The following motion, submitted by Mr. Poindexter, was considered, by unanimous consent, and agreed to :

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate copies of any letters or other communications which may have been received at the Department of War from the chiefs and headmen, or any one of them, of the Choctaw tribe of Indians, since the treaty entered into by the commissioners on the part of the United States with that tribe of Indians, at Dancing Rabbit Creek; and that he also be requested to inform the Senate, from the information which he may possess on that subject, whether any, and, if any, what, number of Indians belonging to said tribe have emigrated to the country west of the Mississippi since the date of said treaty; and whether any reluctance has been manifested by said Indians, or any part of them, to emigrate according to the stipulations of the treaty; and also what number of said tribe had removed west of the Mississippi according to former treaties entered into with them.

The Senate proceeded to consider the message nominating George Winchester and others to office; and,

On motion by Mr. Grundy,

*Ordered*, That the nominations lie on the table.

THURSDAY, DECEMBER 16, 1830.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively annexed to their names, viz:

Edward Scott Jarvis to be collector of the customs for the district and inspector of the revenue for the port of Frenchman's Bay, in the State of Maine, from the 2d day of March, 1831.

Samuel Ayer to be surveyor and inspector of the revenue for the port of Eastport, in the State of Maine, from the 24th day of December, 1830.

William Connor to be surveyor and inspector of the revenue for the port of Hartford, in the State of Connecticut, from the 22d day of February, 1831.

ANDREW JACKSON.

WASHINGTON, *December* 15, 1830.

*To the Senate of the United States:*

I nominate Arthur Taylor, jr., to be surveyor for the district of Norfolk and Portsmouth and inspector of the revenue for the port of Norfolk, in the State of Virginia, vice Copeland Parker, deceased.

ANDREW JACKSON.

WASHINGTON, *December* 15, 1830.

*To the Senate of the United States:*

I nominate Benjamin J. Cahoon to be a purser in the Navy, from the 12th November, 1830.

Sterritt Ramsey to be a purser in the Navy, from 18th November, 1830.

Walter Cotton, to be a chaplain in the Navy, from the 6th November, 1830.

John Harris, a first lieutenant of Marines, to be a captain of Marines, from 13th June, 1830.

Francis S. Neville to be a second lieutenant of Marines from the 30th October, 1830.

ANDREW JACKSON.

WASH'N CITY, D. C., 14 *Dec.*, 1830.

*To the Senate of the United States:*

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

William Linn to be receiver of public moneys for the district of lands subject to sale at Vandalia, in the State of Illinois, vice William L. De Ewing, removed.

Joseph Friend to be receiver of public moneys for the district of lands

subject to sale at Ouachita, in the State of Louisiana, vice Henry Bry, removed.

ANDREW JACKSON.

WASHINGTON, *Dec'r* 15, 1830.

The messages were severally read.

The following motion, submitted by Mr. Holmes, was considered and agreed to :

*Resolved*, That the President of the United States be requested to lay before the Senate copies of the instructions given to the commissioner or commissioners who negotiated the treaty with Turkey, now before the Senate, together with copies of the commissions or letters of appointment, and of the communications of the commissioner or commissioners relating to the negotiation with the Porte, and the provisions of the treaty ; and that the President be also requested to communicate to the Senate the time of appointment of our ministers or commissioners to the Sublime Porte.

On motion by Mr. Sanford,

*Ordered*, That the translation, in English, from the original Turkish, of the treaty with the Sublime Porte, be printed, in confidence, for the use of the Senate.

The Senate proceeded to consider the message of the 14th instant, nominating John Randolph Clay and others to offices ; and

*Resolved*, That they do advise and consent to the appointment of Noah H. Swaine, Elijah Hayward, and Mathew Harvey, agreeably to their respective nominations.

On the question, Will the Senate advise and consent to the appointment of Philip P. Barbour ?

It was determined in the affirmative, { Yeas..... 36  
Nays ..... 1

On motion by Mr. Noble,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Baker, Barton, Bell, Benton, Brown, Burnet, Chase, Dickerson, Dudley, Ellis, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Marks, Naudain, Poindexter, Robins, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Sprague, Troup, Tyler, Webster, White, Willey, Woodbury.

Mr. Noble voted in the negative.

So it was

*Resolved*, That the Senate do advise and consent to the appointment of Philip P. Barbour, agreeably to the nomination.

*Ordered*, That the nomination of John L. Leib be referred to the Committee on the Judiciary.

*Ordered*, That the nominations of Thomas B. Monroe, William Findlay, and George W. Buchanan lie on the table.

FRIDAY, DECEMBER 17, 1830.

The following messages were received from the President of the United States, by Mr. Donaldson, his secretary:

*To the Senate of the United States :*

I nominate for promotion and appointment in the Army of the United States the officers mentioned in the list herewith transmitted, and each for the station affixed to his name.

ANDREW JACKSON.

DECEMBER 17TH, 1830.

WAR DEPARTMENT, 14th Dec'r, 1830.

SIR: I have the honor to lay before you the annexed list of promotions and appointments made in the Army of the United States.

I have the honor to be, sir, with great respect, your obedient servant,  
J. H. EATON.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE,  
Washington, 14th Dec., 1830.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

*First Regiment of Artillery.*

Br. 2d Lt. Richard C. Tilghman to be 2d lt., 1 July, 1828, vice Kennedy, resigned.

*Third Regiment of Artillery.*

Br. 2d Lieut. Joseph A. Smith to be 2d lieut., 1 July, 1829, vice Pleasonton, resigned.

*First Regiment of Infantry.*

2d Lieut. J. W. Kingsbury to be 1 lieut., 1 Aug't, 1830, vice Reynolds, resigned.

2d Lieut. William L. Harris to be 1 lt., 31 Dec'r, 1830, vice Loundes, resigned.

Br. 2d Lieut. Jefferson Davis to be 2d lt., 1 July, 1828, vice Kingsbury, promoted.

Br. 2d Lieut. John R. B. Gardenier to be 2d lt., 1st July, 1828, vice Harris, promoted.

*Second Regiment of Infantry.*

1st Lt. Charles F. Morton to be captain, 26th May, 1830, vice Young, deceased.

2d Lieut. Thompson Morris to be 1st lieut., 26 May, 1830, vice Morton, promoted.

Br. 2d Lieutenant Abraham Van Buren, 2d lieut., 1 July, 1827, vice Morris, promoted.

*Fourth Regiment of Infantry.*

Br. 2d Lieutenant Samuel Torrence to be 2d lieut., 1 July, 1828, vice Anderson, resigned.

*Fifth Regiment of Infantry.*

2d Lieut. James Engle to be 1st lieut., 14th October, 1830, vice Clark, deceased.

2d Lieut. John M. Berrien to be 1st lieut., 31 Dec'r, 1830, vice Thompson, resigned.

Br. 2d Lieut. Robert E. Clary to be 2d lieut., 1 July, 1830, vice Furman, deceased.

Br. 2d Lieut. James L. Thompson to be 2d lieut., 1 July, 1828, vice Smith, dismissed.

Br. 2d Lieut. Amos Foster to be 2d lt., 1 July, 1828, vice Engle, promoted.

Br. 2d Lieut. Caleb Sibley to be 2d lieutenant, 1 July, 1829, vice Berrien, promoted.

*Seventh Regiment of Infantry.*

2d Lieut. Nicholas Tillinghast to be 1st lieutenant, 30 June, 1830, vice McNamara, resigned.

Br. 2d Lieut. Thomas C. Brockway to be 2d lieutenant, 1 July, 1828, vice Tillinghast, promoted.

*Appointments.*

William H. Nicoll, asst. surgeon, to be surgeon, 28th July, 1830, vice Gale, deceased.

Charles I. Triplett, N. Y., to be assistant surgeon, 30th October, 1830, vice Nicoll, promoted.

Cadet Alexander J. Swift to be br. 2d lieutenant, Corps of Engineers, 1 July, 1830.

Cadet John W. Barry to be br. 2d lt. 1 Reg't of Art'y, 1 July, 1830.

Cadet James H. Prentiss to be br. 2d lt. 1st Reg't of Art'y, 1st July, 1830.

Cadet Wm. E. Basinger to be br. 2d lt. 2d Reg't of Art'y, 1st July, 1830.

Cadet Walter S. Chandler to be br. 2d lt. 2d Reg't of Art'y, 1st July, 1830.

Cadet Wm. N. Pendleton to be br. 2d lt. 2d Reg't of Artillery, 1st July, 1830.

Cadet Geo. W. Lawson to be br. 2 lt. 2d Reg't of Artillery, 1st July, 1830.

Cadet Thos. B. Linnard to be br. 2d lt. 2d Reg't of Art'y, 1st July, 1830.

Cadet Rob't H. K. Whitely to be br. 2d lt. 2 Reg't of Art'y, 1st July, 1830.

Cadet Francis Vinton to be br. 2d lt. 2 Reg't of Art'y, 1st July, 1830.

Cadet Benj'n Poole to be br. 2d lt. 3d Reg't of Art'y, 1st July, 1830.

Cadet Edwin Rose to be br. 2 lt. 3d Reg't of Art'y, 1st July, 1830.

Cadet Thos. J. Lee to be br. 2d lt. 4 Reg't of Art'y, 1st July, 1830.

Cadet Simon H. Drum to be br. 2d lt. 4 Reg't of Art'y, 1st July, 1830.

Cadet Lloyd J. Beall to be br. 2d lt. 1 Reg't of Inf'y, 1st July, 1830.

Cadet George Wilson to be br. 2d lt. 1 Reg't of Inf'y, 1 July, 1830.

Cadet James M. Hill to be br. 2 lt. 2d Reg't of Inf'y, 1 July, 1830.

Cadet John H. K. Burgwin to be br. 2d lt. 2d Reg't of Inf'y, 1st July, 1830.

Cadet Geo. W. Patten to be br. 2d lt. 2d Reg't of Inf'y, 1st July, 1830.

Cadet John M. Clendenin to be br. 2d lt. 2d Reg't of Inf'y, 1 July, 1830.

Cadet Wm. C. Heyward to be br. 2d lt. 3d Reg't of Inf'y, 1st July, 1830.

Cadet James H. Taylor to be br. 2d lt. 3d Reg't of Inf'y, 1 July, 1830.

Cadet William Eustis to be br. 2d lt. 3d Reg't of Inf'y, 1 July, 1830.

Cadet Stephen B. Legate to be br. 2d lt. 3d Reg't of Inf'y, 1st July, 1830.

Cadet Jesse H. Leavenworth to be br. 2d lt. 4th Reg't of Inf'y, 1st July, 1830.



Cadet Joseph Ritner to be br. 2d lt. 4th Reg't of Inf'y, 1st July, 1830.

Cadet Rob't C. Buchanan to be br. 2d lt. 4th Reg't of Inf'y, 1st July, 1830.

Cadet David A. Manning to be br. 2d lt. 4th Reg't of Inf'y, 1 July, 1830.

Cadet John S. Stoddard to be br. 2d lt. 5th Reg't of Inf'y, 1 July, 1830.

Cadet John T. Collinsworth to br. 2d lt. 5th Reg't of Inf'y, 1st July, 1830.

Cadet Camillus C. Daveiss to be 2d lt. 5th Reg't of Inf'y, 1st July, 1830.

Cadet Geo. W. McClure to be br. 2d lt. 5th Reg't of Inf'y, 1st July, 1830.

Cadet Merewether L. Clark to be br. 2d lt. 6th Reg't of Inf'y, 1st July, 1830.

Cadet Thos. L. Alexander to be br. 2d lt. 6th Reg't of Inf'y, 1 July, 1830.

Cadet John S. Van Derveer to be br. 2d lt. Reg't of Inf'y, 1 July, 1830.

Cadet Thos. J. Royster to be br. 2d lt. 6th Reg't of Inf'y, 1 July, 1830.

Cadet John B. Magruder to be br. 2d lt. 7th Reg't of Inf'y, 1 July, 1830.

Cadet Albert T. Bledsoe to be br. 2d lt. 7th Reg't of Inf'y, 1st July, 1830.

Cadet John W. Murray to be br. 2d lt. 7th Reg't of Inf'y, 1st July, 1830.

Cadet James West to be br. 2d lt. 7th Reg't of Inf'y, 1st July, 1830.

Cadet Sam'l Kinney to be br. 2d lt. 7th Reg't of Inf'y, 1st July, 1830.

Cadet Rich'd H. Ross to be br. 2d lt. 7th Reg't of Inf'y, 1st July, 1830.

Constantine Smith, 2d lieut. of Marines, transf'd to the 2d Reg't of Artillery, to rank from 27th Aug't, 1825, vice 2d Lieut. Thomas Burk, transferred to the Marines.

R. JONES,  
*Ad't. Gen'l.*

Respectfully submitted to the Secretary of War.

AL. MACOMB,  
*Major-Gen'l, Comm'g the Army.*

*To the Senate of the United States :*

I nominate, for reappointment, the following officers of the customs, whose commissions will expire at the dates respectively annexed to their names, viz :

John S. Westwood to be surveyor and inspector of the revenue for the port of Hampton, in the State of Virginia, from the 3d day of March, 1831.

Benj. B. Baker to be surveyor and inspector of the revenue for the port of South Quay, in the State of Virginia, from the 24th day of December, 1830.

John Rodman to be collector of the customs for the district and inspector of the revenue for the port of Augustine, in the Territory of Florida, from the 3d day of March, 1831.

I also nominate Benjamin Pomeroy to be surveyor and inspector of the revenue for the port of Stonington, in the State of Connecticut, from the 4th day of December, 1830, when the commission of Samuel F. Dennison expired.



William H. Wickes to be surveyor and inspector of the revenue for the port of Chester, in the State of Maryland, from the 5th day of January, 1831, when the commission of George Vickers will expire.

ANDREW JACKSON.

WASHINGTON, *Dec'r 17th*, 1830.

The messages were severally read.

*Ordered*, That the message nominating to promotions and appointments in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the message nominating John S. Westwood and others be referred to the Committee on Commerce.

Mr. Woodbury, from the Committee on Commerce, to whom was referred, the 14th instant, the message nominating James W. Ripley and others officers of the customs, reported in part.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of James W. Ripley, Leonard M. Parker, William G. Hammond, and William Claggett, agreeably to their respective nominations.

The Senate proceeded to consider the message nominating Arthur Taylor, jr., to office; and

*Resolved*, That they do advise and consent to the appointment of Arthur Taylor, jr., agreeably to the nomination.

Mr. Tyler, from the Committee on the District of Columbia, to whom were referred the nominations of justices of the peace contained in the message of the 14th instant, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Benjamin K. Morsell, Nicholas B. Van Zandt, Joshua Nelson, and Nathaniel Brady, agreeably to their respective nominations.

*Ordered*, That the message of the 16th instant nominating Benjamin K. Cahoon and others be referred to the Committee on Naval Affairs.

*Ordered*, That the message of the 16th instant nominating William Linn and Joseph Friend be referred to the Committee on Public Lands.

#### MONDAY, DECEMBER 20, 1830.

The following message was received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 16th instant, calling for certain papers relative to the negotiation of the treaty between the United States and Turkey now before the Senate, I communicate the inclosed report of the Secretary of State, accompanied by the documents and containing the information requested.

ANDREW JACKSON.

WASHINGTON, *December 20th*, 1830.

The message and the accompanying papers were read.

*Ordered*, That they be referred to the Committee on Foreign Relations.

The following message was received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may

have been received at the Department of War from the chiefs and headmen, or any of them, of the Choctaw tribe of Indians, since the treaty entered into by the commissioners on the part of the United States with that tribe of Indians, at Dancing Rabbit Creek, and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, &c., &c., I submit herewith a report from the Secretary of War containing the information requested.

ANDREW JACKSON.

DECEMBER 20TH, 1830.

The message and documents were read.

*Ordered*, That they be referred to the Committee on Indian Affairs, and be printed in confidence for the use of the Senate.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States :*

I nominate Thomas Mussey to be collector of the customs for the district of New London, in the State of Connecticut, from the 24th day of December, 1830, when the commission of Richard Law will expire.

ANDREW JACKSON.

WASHINGTON, *December 18th*, 1830.

*To the Senate of the United States :*

I nominate Starkly D. Hays, of Tennessee, to be surveyor-general of public lands south of Tennessee, vice Joseph Dunbar, whose resignation has been accepted to take effect on the 1st of January, 1831.

ANDREW JACKSON.

DECEMBER 20TH, 1830.

*To the Senate of the United States :*

I nominate for reappointment the following registers and receivers of the land office, whose commissions will expire at the dates respectively annexed to their names, viz:

Bernard Van Horne to be receiver of public moneys for the district of lands subject to sale at Zanesville, in the State of Ohio, from the 21st December, 1830.

George B. Dameron to be receiver of public moneys for the district of lands subject to sale at Augusta, in the State of Mississippi, from the 24th December, 1830.

Benjamin L. C. Wailes to be register of the land office for the district of lands subject to sale at Washington, in the State of Mississippi, from the 24th December, 1830.

I also nominate—

Robert J. Skinner to be receiver of public moneys for the district of lands subject to sale at Piqua, in the State of Ohio, from the 21st day of December, 1830, when the commission of Robert Young will expire.

James G. Reed to be receiver of public moneys for the district of lands subject to sale at Jeffersonville, in the State of Indiana, vice William H. Hurst removed.

ANDREW JACKSON.

WASH'N, *December 18th*, 1830.

The messages were read.

*Ordered*, That the nomination of Thomas Mussey be referred to the Committee on Commerce.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the nomination of Thomas W. Gilpin, contained in the message of the 14th December, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Thomas W. Gilpin, agreeably to the nomination.

FRIDAY, DECEMBER 23, 1830.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

I nominate Jefferson Glenn to be surveyor and inspector of the revenue for the port of St. John's, in the Territory of Florida, vice Mathew Jenkins, removed.

ANDREW JACKSON.

WASHINGTON, *Dec'r 23d*, 1830.

*To the Senate of the United States:*

I nominate Samuel Quinby to be receiver of public moneys for the district of lands subject to sale at Wooster, in the State of Ohio, from the 2d day of March, 1831, when his present commission will expire.

I also nominate Edwin M. Ryland to be receiver of public moneys for the district of lands subject to sale at Lexington, in the State of Missouri, from the 21st day of December, 1830, when the commission of Andrew S. McGirk will expire.

ANDREW JACKSON.

DECEMBER 23D, 1830.

The messages were read.

The Senate resumed the consideration of the messages of the 14th instant nominating John Randolph Clay and others; and

*Resolved*, That they advise and consent to the appointment of William Findlay and George W. Buchanan, agreeably to their nominations respectively.

Mr. Woodbury, from the Committee on Commerce, to whom was referred, the 14th instant, the nomination of Paul Eynaud, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Paul Eynaud, agreeably to the nomination.

The following motion was submitted by Mr. Poindexter:

*Resolved*, That the nomination of S. D. Hays, to be surveyor-general of public lands south of Tennessee be referred to a select committee, with instructions to inquire whether the said S. D. Hays be or be not a resident of the State of Mississippi, in which the vacancy of said office occurred, and also whether he is properly qualified to discharge the duties of said office of surveyor-general; and that the committee have power to send for persons and papers.

The Senate proceeded to consider the motion; and,

On motion by Mr. Poindexter,

*Ordered*, That it lie on the table.

The following motion, submitted by Mr. Holmes, was considered and agreed to:

*Resolved*, That the President be requested to inform the Senate, as near as may be, of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it.

FRIDAY, DECEMBER 24, 1830.

The Senate proceeded to consider the message of the 23d instant nominating Jefferson Glenn to office; and

*Resolved*, That the Senate do advise and consent to the appointment of Jefferson Glenn, agreeably to the nomination.

The Senate proceeded to consider the message of the 23d instant nominating Samuel Quinby and Edwin M. Ryland.

*Resolved*, That the Senate do advise and consent to the appointment of Edwin M. Ryland, agreeably to the nomination.

*Ordered*, That the nomination of Samuel Quinby be referred to the Committee on Public Lands.

*Ordered*, That the message of the 20th instant nominating Bernard Van Horne and others to be registers and receivers be referred to the Committee on Public Lands.

Mr. Woodbury, from the Committee on Commerce, to whom was referred, on the 14th instant, the nomination of Charles Barnet as consul for the port of Venice, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Charles Barnet, agreeably to the nomination.

Mr. Woodbury, from the Committee on Commerce, to whom was referred, on the 17th December, the message nominating John S. Westwood and others to be officers of the customs, reported in part.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of John S. Westwood, Bery B. Baker, and John Rodman, agreeably to their nominations respectively.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the message of the 14th instant nominating James W. Ripley and others, further reported in part.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Faugh W. Sullivan and John J. Maxwell, agreeably to their respective nominations.

TUESDAY, DECEMBER 28, 1830.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

I nominate to be directors of the Bank of the United States, for the year 1831, Nicholas Biddle, of Pennsylvania; George M. Dallas, of Pennsylvania; James Camp'bell, of New York; John S. Donnell, of Maryland; Daniel M. Durrell, of New Hampshire.

ANDREW JACKSON.

WASHINGTON, December 27, 1830.

*To the Senate of the United States:*

I nominate to the Senate for promotion in the Army of the United States the officers mentioned in the accompanying list, and each for the station annexed to his name.

ANDREW JACKSON.

DECEMBER 28, 1830.

WAR DEPARTMENT, 23d December, 1830.

SIR: I have the honor to lay before you the annexed list of promotions in the Army of the United States.

I have the honor to be, sir, with great respect, your obedient servant,  
J. H. EATON.

To the PRESIDENT OF THE U. S.

ADJ'T-GENERAL'S OFFICE,  
Washington, Dec'r 23d, 1830.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

*Corps of Engineers.*

Br. Major R. E. De Russey, captain, to be major, 22d Dec'r, 1831, vice Babcock, resigned.

1 Lieut. Andrew Talcott to be capt., 22d Dec'r, 1830, vice De Russey, promoted.

2d Lieut. George Dutton to be 1st lieutenant, 22d Dec'r, 1830, vice Talcott, promoted.

Br. 2d Lieut. Wm. H. C. Bartlett to be 2d lt., 1 July, 1826, vice, Dutton, promoted.

R. JONES.

HEADQUARTERS OF THE ARMY,  
Washington, 23d Dec., 1830.

The above list of promotions to be made in the Corps of Engineers, is respectfully submitted to the Secretary of War.

AL. MACOMB,  
Major-Gen'l, Commanding the Army.

*To the Senate of the United States:*

I nominate to the Senate the gentlemen named in the accompanying list for the Indian agencies respectively annexed to their names.

ANDREW JACKSON.

DECEMBER 28TH, 1830.

DEPT OF WAR, December 16th, 1830.

SIR: I have the honor to lay before you the annexed list of appointments in the Indian Department, requiring the sanction of the Senate, viz:

James McElvain, of Ohio, to be Indian agent at Piqua, in the place of John Johnston, removed.

Felix St. Vrain, of Illinois, to be Indian agent at Rock Island, in place of Thomas Forsyth, removed.



Samuel C. Stambaugh, of Pennsylvania, to be Indian agent at Green Bay, in the place of H. B. Brevoort, removed.

Very respectfully,

J. H. EATON.

To the PRESIDENT OF THE UNITED STATES.

The messages were severally read.

*Ordered*, That the message nominating to promotions in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the message nominating James McElvain and others as Indian agents be referred to the Committee on Indian Affairs.

Mr. Tazewell, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the President's message of the 9th December, transmitting a treaty with the Ottoman Porte, and to whom was also referred the President's message of the 20th December, transmitting certain papers requested by a resolution of the Senate, relating to the negotiation of the said treaty, submit the following resolutions for the consideration of the Senate.

*Resolved*, That the Senate advise the President of the United States to ratify, and on their part consent to the ratification of the treaty concluded between the said United States and the Ottoman Porte on the 7th day of May, 1830: *Provided*, That at the exchange of the ratifications of the treaty between the two high contracting parties the President cause the Ottoman Porte to be distinctly and explicitly informed that, according to our construction of the 7th article of the said treaty, the merchant vessels of the United States will be permitted to pass into and return from the Black Sea, either in ballast or laden with any kind of cargo permitted to the merchant vessels of the most favored nations, whether the same may consist of the growth, produce, or manufacture of the United States or of the Ottoman Empire, or of any other country whatsoever. *And provided also*, That at the same time he cause the Ottoman Porte to be distinctly and explicitly informed that according to the Constitution and laws of the United States, the Government thereof possess no authority to compel their citizens to enter into any contract, either with their own Government or any foreign power whatever, or to prescribe the terms upon which such contract, when voluntarily entered into by the citizens of the United States, shall be concluded by them.

*Resolved*, That the Senate advise the President of the United to exchange, and on their part consent that the ratifications of the said treaty may be exchanged at any time hereafter within ——— months, notwithstanding the period limited for the exchange of the said ratifications may have expired before the same can be effected in conformity with the present provisions of the treaty.

The report was read.

*Ordered*, That it be printed in confidence for the use of the Senate.

The treaty with the Ottoman Porte was read the second time, and considered as in Committee of the Whole; and no amendment having been made thereto, it was reported to the Senate.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the nomination of Frederick List, contained in the message of the 14th instant, reported.

*Ordered*, That the nomination lie on the table.

The Senate resumed the consideration of the message of the 9th December nominating George Winchester and others; and

*Ordered*, That it be referred to the Committee on the Judiciary.



THURSDAY, DECEMBER 31, 1830.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I submit to the consideration of the Senate two treaties, one of peace, the other of cession, concluded at Prairie du Chien on the 10th and 15th July, 1830, by commissioners duly authorized on the part of the United States, and by deputations of the confederated tribes of Indians, residing on the Upper Mississippi.

ANDREW JACKSON.

DECEMBER 29TH, 1830.

The message and the accompanying documents were read.

*Ordered*, That they be referred to the Committee on Indian Affairs, and that the treaties be printed in confidence for the use of the Senate.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate John N. Moulder, James Gettys, Samuel P. Lowe, and Edmund Brooke, to be justices of the peace for the county of Washington, in the District of Columbia, whose commissions have expired.

ANDREW JACKSON.

WASHINGTON, 29th December, 1830.

The message was read, and by unanimous consent, considered.

*Resolved*, That the Senate do advise and consent to the appointment of James Gettys and Edmund Brooke, agreeably to their respective nominations.

*Ordered*, That the nominations of John N. Moulder and Samuel P. Lowe be referred to the Committee on the District of Columbia.

The Senate resumed the consideration of the treaty with the Sublime Porte ; and

After debate,

On motion by Mr. Johnston,  
The Senate adjourned.

FRIDAY, DECEMBER 31, 1830.

Mr. Woodbury, from the Committee on Commerce, to whom were referred the nomination of Daniel Lane and William A. Whitehead, contained in the message of the 14th instant, of Benjamin Pomeroy and William H. Hicks, contained in the message of the 17th instant, and the message of the 20th instant nominating Thomas Mussey, reported.

The Senate resumed the consideration of the treaty with the Sublime Porte.

After debate,

On motion by Mr. Grundy,  
The Senate adjourned.

MONDAY, JANUARY 3, 1831.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

Since my message of the 20th December last, transmitting to the Senate a report from the Secretary of War, with information requested by the resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit Creek with the Choctaw Indians, I have received the two letters which are herewith inclosed, containing further information on the subject.

ANDREW JACKSON.

JANUARY 3, 1831.

The message and the accompanying documents were read.

*Ordered*, That they be referred to the Committee on Indian Affairs, and be printed under an injunction of secrecy.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

A vacancy having arisen in the office of brigadier in consequence of the removal of General Jno. Nicks from the Territory of Arkansas to Cantonment Gibson, I nominated at your last session William Montgomery to be General of the 2d Brigade of Militia of said Territory. By this communication I desire to correct the Journal of the Senate, and my message of the 22d of April, 1830, so as to exclude the idea that General Nicks was removed from office.

ANDREW JACKSON.

DEC'R 30, 1830.

*To the Senate of the United States :*

I nominate Edward Pescud to be surveyor and inspector of the revenue for the port of Petersburg and City Point, in the State of Virginia, vice John H. Peterson, deceased.

ANDREW JACKSON.

WASHINGTON, Dec. 31, 1830.

*To the Senate of the United States :*

I nominate to the Senate Gilbert Dennison, of Connecticut, to be consul of the United States at Panama, in the Republic of Colombia, in place of Silas K. Everett, resigned.

ANDREW JACKSON.

WASHINGTON, Dec. 31, 1830.

*To the Senate of the United States :*

I nominate Joseph L. C. Hardy, a second lieutenant in the Marine Corps, to be a first lieutenant of Marines, to rank as such from the 13th June, 1830.

ANDREW JACKSON.

WASHINGTON CITY, D. C., 31 Dec'r, 1830.

*To the Senate of the United States:*

I nominate to the Senate Thomas Finley, of Maryland, to be marshal of the United States for the district of Maryland, whose commission has expired.

ANDREW JACKSON.

WASHINGTON, 30th Dec., 1830.

The messages were severally read.

The Senate resumed the consideration of the treaty with the Sublime Porte.

A motion was made by Mr. Holmes to expunge the secret article ; and

On motion by Mr. Smith, of Md.,

The Senate adjourned.

TUESDAY, JANUARY 4, 1831.

The Senate resumed the consideration of the treaty with the Sublime Porte.

A motion was made by Mr. Tyler to amend the separate article by striking out all after the word "agreed," and inserting *That the Sublime Porte shall have full liberty to contract with any of the citizens of the United States for the construction and building of any number of ships of war, two-deckers, frigates, corvettes, or brigs, and for ship-timber ; and that the United States, through its agents residing near the Sublime Porte, will afford such information and advice towards the making of all such contracts and the delivery of such ships and timber as may comport with the engagements of the United States with other powers and her neutral relations.*

On motion by Mr. Holmes,

*Ordered*, That the treaty lie on the table, and that the proposed amendment be printed, in confidence, for the use of the Senate.

On motion by Mr. McKinley,

*Ordered*, That the Committee on the Judiciary be discharged from the further consideration of the message of the 9th December, nominating George Winchester and others to offices ; and that the message be referred to the Committee on Foreign Relations.

Mr. Tyler, from the Committee on the District of Columbia, to whom were referred the nominations of John N. Moulder and Samuel P. Lowe, contained in the message of the 30th December, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of John N. Moulder and Samuel P. Lowe, agreeably to their respective nominations.

Mr. Barton, from the Committee on Public Lands, to whom was referred the message of the 16th December, nominating William Linn and Joseph Friend, reported.

*Ordered*, That the nominations lie on the table.

Mr. Barton, from the committee to whom were referred the several nominations of registers and receivers, contained in the messages of the 20th and 23d December, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Bernard Van Horne, George B. Dameron, Benjamin L. C. Wailes, Robert I. Skinner, and Samuel Quinby, agreeably to their respective nominations.

*Ordered*, That the nomination of James G. Reed lie on the table.

The Senate proceeded to consider the message nominating Nicholas Biddle and others to be directors of the Bank of the United States; and

*Resolved*, That they do advise and consent to the appointment of Nicholas Biddle, George M. Dallas, James Campbell, John S. Donnell, and Daniel M. Durrell, agreeably to their nominations respectively.

The Senate resumed the consideration of the message of the 14th December, nominating James W. Ripley and others; and

*Resolved*, That they do advise and consent to the appointment of Daniel Lane and William A. Whitehead, agreeably to their respective nominations.

The Senate resumed the consideration of the message of the 16th December, nominating Edward Scott Jarvis and others to be officers of the customs; and

*Resolved*, That they do advise and consent to the appointment of Edward Scott Jarvis, Samuel Ayer, and William Connor, agreeably to their respective nominations.

The Senate resumed the consideration of the message of the 17th December, nominating John S. Westwood and others to be officers of the customs; and

*Resolved*, That they do advise and consent to the appointment of Benjamin Pomeroy, agreeably to the nomination.

*Ordered*, That the nomination of William H. Wickes lie on the table.

The Senate resumed the consideration of the message of the 24th December, nominating Thomas Mussey; and

*Ordered*, That it lie on the table.

The Senate proceeded to the consideration of the several messages received the 3d instant; and

*Ordered*, That the messages nominating Edward Pescud and Gilbert Dennison be referred to the Committee on Commerce.

*Ordered*, That the message nominating Joseph L. C. Hardy be referred to the Committee on Naval Affairs.

*Ordered*, That the message nominating Thomas Finley be referred to the Committee on the Judiciary.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 9th December, the treaty with the Choctaw Indians, together with the messages relating thereto, of the 20th December, and the 3d instant, reported the treaty without amendment.

### WEDNESDAY, JANUARY 12, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

I nominate to the Senate Joel Brown, of the District of Columbia, to be a justice of the peace for the county of Washington, in said District.

ANDREW JACKSON.

WASHINGTON, Jan'y —, 1831.

*To the Senate of the United States:*

I nominate William P. McKee to be register of the land office for the district of lands subject to sale at Edwardsville, in the State of Illinois,

from the 13th day of January, 1831, when his present commission will expire.

Shadrack Bond to be register of the land office for the district lands subject to sale at Kaskaskia, in the State of Illinois, from the 28th day of January, 1831, when his present commission will expire.

ANDREW JACKSON.

WASHINGTON, *January 5th*, 1831.

The messages were severally read.

*Ordered*, That the message nominating Joel Brown be referred to the Committee on the District of Columbia.

*Ordered*, That the message nominating William P. McKee and Shadrack Bond be referred to the Committee on Public Lands.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, on the 17th December, the messages nominating Benjamin J. Cahoon and others, reported on all except the nomination of Francis I. Neville.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointments of Benjamin J. Cahoon, Sterrett Ramsey, Walter Colton, and John Harris, agreeably to the respective nominations.

Mr. Hayne, from the Committee on Naval Affairs, to whom the message of the 3d instant, nominating Joseph L. C. Hardy, was referred, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Joseph L. C. Hardy, agreeably to the nomination.

Mr. Tazewell, from the Committee on Foreign Relations, to whom was referred the 14th December the nomination of John Randolph Clay, reported.

The Senate proceeded to consider the nomination ; and

On the question, Will the Senate advise and consent to the appointment of John Randolph Clay?

It was determined in the affirmative, { Yeas ..... 25  
Nays ..... 19

On motion by Mr. Dickerson,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Benton, Brown, Chase, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, King, Knight, Livingston, McKinley, Poindexter, Robinson, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, White, Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Burnet, Chambers, Clayton, Foot, Frelinghuyzen, Holmes, Johnston, Marks, Naudain, Noble, Robbins, Ruggles, Seymour, Silsbee, Sprague, Webster, Willey.

So it was

*Resolved*, That the Senate do advise and consent to the appointment of John Randolph Clay, agreeably to the nomination.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the nomination of John L. Leib, contained in the message of the 14th December, reported.

Mr. McKinley, from the same committee, to whom was referred the message of the 3d instant, nominating Thomas Finlay, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Thomas Finley, agreeably to the nomination.



The Senate resumed the consideration of the message of the 16th December, nominating William Linn and Joseph Friend; and

*Resolved*, That they do advise and consent to the appointment of William Linn, agreeably to the nomination.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the message of the 3d instant nominating Edward Pescud, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Edward Pescud, agreeably to the nomination.

The Senate proceeded to consider the nomination of Thomas Mussey; and

*Ordered*, that the nomination of Thomas Mussey, contained in the message of the 20th December, be recommitted to the Committee on Commerce.

The Senate proceeded to consider the motion submitted by Mr. Poindexter the 23d December; which, having been modified on the motion of Mr. Poindexter, was agreed to as follows:

*Resolved*, That the nomination of S. D. Hays to be surveyor-general of public lands south of Tennessee, be referred to the Committee on Public Lands, with instructions to inquire whether he is properly qualified to discharge the duties of said office of surveyor-general.

Mr. Tazewell, from the Committee on Foreign Relations, submitted a letter from the Secretary of State, inclosing a translation from the original Turkish of the separate and secret article annexed to the treaty concluded between the United States and the Sublime Porte.

The documents were read.

*Ordered*, That the translation of the separate article be printed in confidence for the use of the Senate.

## TUESDAY, JANUARY 13, 1831.

The Senate resumed the consideration of the treaty with the Sublime Porte.

The amendment proposed by Mr. Tyler on the 4th instant was withdrawn.

A motion was made by Mr. Livingston to amend the separate article by adding, after the word "belong," at the close of the second paragraph, the following words: *it being understood that the United States are not on their part to guarantee any contract that may be made under this article by their citizens, or that the United States make any contract for the delivery of ships or ship-timber.*

After debate,

On motion by Mr. Smith, of Md.,

*Ordered*, That the treaty lie on the table.

## MONDAY, JANUARY 31, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

I nominate Joseph Sands to be collector of the customs for the district and inspector of the revenue for the port of Annapolis, in the State



of Maryland, from the 19th of December, 1830, when the commission of Alexander Randall expired.

ANDREW JACKSON.

WASHINGTON, *Jan'y 18th*, 1831.

*To the Senate of the United States :*

I nominate Benjamin J. Harrison to be surveyor and inspector of the revenue for the port of Louisville, in the State of Kentucky, vice James Madison Campbell, resigned.

ANDREW JACKSON.

WASHINGTON, *Jan'y 18*, 1831.

*To the Senate of the United States :*

I nominate to the Senate Robert M. Harrison, of Virginia, to be consul of the United States for the port of Kingston, in the Island of Jamaica.

ANDREW JACKSON.

WASHINGTON, *15 Jan'y*, 1831.

*To the Senate of the United States :*

I nominate Charles Stewart to be a commissioner of the Navy board, from the 15th June, 1830.

Charles R. Brown, a captian of Marines, to be paymaster of the Marine Corps, from the 8th October, 1830.

George W. Walker, a first lieutenant of Marines, to be captain of Marines by brevet, from 22d January, 1831, for ten years' faithful service in one grade.

ANDREW JACKSON.

WASHINGTON CITY, *25 Jan'y*, 1831.

*To the Senate of the United States :*

I nominate to the Senate Daniel Le Roy to be district attorney of the United States for the Territory of Michigan.

John Nicholson to be marshal for the eastern district of Louisiana.

Waters Smith to be marshal of East Florida, to take effect after the 3rd March next, when his present commission will expire.

Thomas P. Eskridge to be judge for the Territory of Arkansas, to take effect after the 3d of March next, when his present commission will expire.

I also nominate Henry Ashton to be marshal for the District of Columbia, in the place of Tench Ringgold, whose commission expires this day; and

William O'Neale to be a justice of the peace for the county of Washington, in the District of Columbia.

ANDREW JACKSON.

JAN'Y 31, 1831.

*To the Senate of the United States :*

In pursuance of the advice and consent of the Senate as expressed in their resolution of the 10th February, 1830, the treaty of commerce and navigation between the United States and Austria, concluded in this city on the 27th of August, 1829, was duly ratified by this Government on the 11th day of the same month of February; but the treaty itself containing a stipulation that the ratifications of the two parties to it should be exchanged within twelve months from the date of its signature, and that of the Austrian Government not having been re-

ceived here till after the expiration of the time limited, I have not thought myself at liberty, under these circumstances, without the additional advice and consent of the Senate, to authorize that ceremony on the part of this Government. Information having been received at the Department of State from the Austrian representative in the United States that he is prepared to proceed to the exchange of the ratifications of his Government for that of this, the question is therefore submitted to the Senate for their advice and consent upon the occasion.

ANDREW JACKSON.

WASHINGTON, D. C., 26 Jan'y, 1831.

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 23d ultimo, requesting to be informed of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it, I present herewith a report of the Secretary of the Navy containing the information required.

ANDREW JACKSON.

JANUARY 15, 1831.

The messages were severally read.

*Ordered*, That the messages nominating Joseph Sands, Benjamin J. Harrison, and Robert M. Harrison be referred to the Committee on Commerce.

*Ordered*, That the message nominating Charles Stewart and others be referred to the Committee on Naval Affairs.

*Ordered*, That the nominations of Daniel Le Roy, John Nicholson, Waters Smith, and Thomas P. Eskridge be referred to the Committee on the Judiciary.

*Ordered*, That the nominations of Henry Ashton and William O'Neale be referred to the Committee on the District of Columbia.

*Ordered*, That the message relating to the treaty with Austria be referred to the Committee on Foreign Relations.

Mr. Barton, from the Committee on Public Lands, to whom was referred the message of the 12th nominating William P. McKee and Shadrach Bond, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of William P. McKee and Shadrach Bond, agreeably to their respective nominations.

Mr. Barton, from the Committee on Public Lands, to whom was referred, the 12th instant, the nomination of S. D. Hays, with certain instructions, reported.

Mr. Woodbury, from the Committee on Commerce, to whom was recommended, the 12th instant, the nomination of Thomas Mussey, reported.

The Senate proceeded to consider the nomination.

On the question, Will the Senate advise and consent to the appointment of Thomas Mussey?

It was determined in the negative,	{ Yeas .....	21
	{ Nays .....	22

On motion by Mr. Woodbury,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, King, Livingston, McKinley, Robinson, Sanford, Tazewell, Troup, Tyler, White, Woodbury.

Those who voted in the negative are,  
Messrs. Barton, Bell, Burnet, Chase, Clayton, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Noble, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Smith of Md., Sprague, Webster, Willey.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of Thomas Mussey.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred the message of the 12th January nominating Joel Brown, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Joel Brown, agreeably to the nomination.

## TUESDAY, FEBRUARY 1, 1831.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate Ingoldsby W. Crawford to be collector of the customs for the district of New London, in the State of Connecticut, in the place of Thomas Mussey, rejected by the Senate.

ANDREW JACKSON.

FEBRUARY 1ST, 1831.

The message was read and considered, by unanimous consent.

*Resolved*, That the Senate do advise and consent to the appointment of Ingoldsby W. Crawford, agreeably to the nomination.

Mr. Woodbury, from the committee to whom was referred the message of the 3d January nominating Gilbert Dennison, reported.

Whereupon,

*Resolved*. That the Senate do advise and consent to the appointment of Gilbert Dennison, agreeably to the nomination.

The Senate resumed the consideration of the treaty with the Sublime Porte.

Mr. Livingston having withdrawn his motion to amend the separate article, which he submitted the 13th of January, proposed the following as a substitute:

*But it is expressly stipulated and declared that the contracts mentioned in this article are intended to be such as the Sublime Porte may wish to enter into with citizens of the United States, and that the Government of the United States only stipulates that its minister or other diplomatic agent shall give his advice and assistance in framing such contract, and its assent to the same being carried into effect by its citizens.*

On motion by Mr. Frelinghuysen the amendment was amended by adding thereto the following :

*It being further understood that in no event shall the United States be under obligation to comply with the stipulations of this article when such compliance shall interfere with or endanger the neutral relations of the United States Government.*

On the question to agree to the amendment thus amended,

It was determined in the negative, { Yeas..... 22  
Nays ..... 23

Those who voted in the affirmative are,

Messrs. Barnard, Bell, Benton, Chase, Frelinghuysen, Hayne, Hendricks, Iredell, Johnston, Kane, Knight, Livingston, Marks, Naudain, Robbins, Robinson, Seymour, Silsbee, Smith of Md., Sprague, Tazewell, Tyler.

Those who voted in the negative are,

Messrs. Barton, Bibb, Brown, Burnet, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Grundy, Holmes, King, McKinley, Poindexter, Ruggles, Sanford, Smith of S. C., Troup, Webster, White, Willey, Woodbury.

So the motion to amend the separate and secret article was lost.

On the question, Will the Senate advise and consent to the ratification of the separate and secret article?

It was determined in the negative, { Yeas ..... 18  
Nays ..... 27

Those who voted in the affirmative are,

Messrs. Benton, Bibb, Brown, Chase, Dickerson, Dudley, Ellis, Forsyth, Grundy, Kane, Livingston, Poindexter, Robbins, Robinson, Sanford, Smith of Md., White, Woodbury.

Those who voted in the negative are,

Messrs. Barnard, Barton, Bell, Burnet, Clayton, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Johnston, King, Knight, McKinley, Marks, Naudain, Ruggles, Seymour, Silsbee, Smith of S. C., Sprague, Tazewell, Troup, Tyler, Webster, Willey.

On motion by Mr. Robbins, to amend the 7th article by inserting at its close the following words:

*It being understood hereby that the commerce of the Black Sea is to be admitted to the vessels of the United States and their cargoes on the footing of the most favored nation.*

It was determined in the negative, { Yeas ..... 12  
Nays ..... 29

Those who voted in the affirmative are,

Messrs. Barnard, Barton, Chase, Clayton, Foot, Hendricks, Knight, Marks, Naudain, Robbins, Seymour, Sprague.

Those who voted in the negative are,

Messrs. Benton, Bibb, Brown, Burnet, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Iredell, Johnston, Kane, King, Livingston, McKinley, Poindexter, Robbins, Ruggles, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, Webster, White, Willey, Woodbury.

No further amendment having been proposed, Mr. Tazewell submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring), That the Senate do advise and consent to the ratification of the treaty between the United States of America and the Ottoman Porte, concluded at Constantinople the 7th of May, 1830, with the exception of the separate and secret article.*

The Senate proceeded to consider the resolution, by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, { Yeas ..... 42  
Nay ..... 1

Those who voted in the affirmative are,

Messrs. Barnard, Barton, Bell, Benton, Bibb, Brown, Burnet, Chase, Clayton, Dickerson, Dudley, Foot, Forsyth, Grundy, Hayne, Hendricks, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Sanford, Seymour,

Silsbee, Smith of Md., Smith of S. C., Sprague, Tazewell, Troup, Tyler, Webster, White, Willey, Woodbury.

Mr. Noble voted in the negative.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

Mr. Tazewell submitted the following resolution; which was considered and agreed to:

*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise the President of the United States to exchange, and, on their part, consent that the ratifications of the treaty with the Ottoman Porte may be exchanged, at any time hereafter, within nine months, notwithstanding the period limited for the exchange of the said ratifications may have expired before the same can be effected, in conformity with the present provisions of the said treaty.

On motion by Mr. Tazewell,

*Ordered*, That the Committee on Foreign Relations be discharged from the further consideration of the President's message of the 31st January, relating to the exchange of the ratifications of the treaty with Austria.

#### THURSDAY, FEBRUARY 3, 1831.

The following message was received from the President of the United States, by Mr. Donelson, his secretary:

I nominate to the Senate John A. Cameron, of North Carolina, to be consul of the United States at La Vera Cruz, in Mexico, in the place of William Taylor, resigned.

ANDREW JACKSON.

WASHINGTON, 1 Feb'y, 1831.

The message was read.

On motion by Mr. Tazewell,

*Ordered*, That the Secretary return to the President of the United States the treaty concluded with the Sublime Porte.

Mr. Silsbee presented a memorial of John Roberts, a citizen of Boston, in the State of Massachusetts, representing that he has reason to believe that a certain Nathaniel Green, of Boston, has made a written communication to the Senate affecting his honor and integrity, and praying to be furnished with the allegations which have been made against him.

The memorial was read.

*Ordered*, That it lie on the table.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred the nomination of Henry Ashton, reported.

On motion by Mr. Johnston,

*Ordered*, That the further consideration of the nomination be postponed until to-morrow.

The following motion, submitted by Mr. Poindexter, was considered:

*Resolved*, That it is inexpedient to appoint a citizen of any one State to an office which may be created or become vacant in any other State of the Union within which such citizen does not reside, without some evident necessity for such appointment.

On the question to agree thereto,

It was determined in the affirmative, { Yeas ..... 22  
Nays ..... 10



On motion by Mr. Poindexter,  
The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,  
Messrs. Barton, Bell, Benton, Burnet, Chase, Clayton, Foot, Hendricks, King, Marks, Noble, Poindexter, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Tazewell, Troup, Willey, Woodbury.

Those who voted in the negative are,  
Messrs. Barnard, Bibb, Dickerson, Dudley, Ellis, Kane, Knight, McKinley, Smith of S. C., White.

Mr. Tazewell submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved (two-thirds of the Senators present concurring),* That the Senate do advise and consent that the President of the United States be authorized to exchange the ratifications of the treaty of commerce and navigation with Austria, concluded at Washington the 27th of August, 1829, notwithstanding the expiration of the time designated in the said treaty for the exchange of the ratifications thereof.

Mr. Woodbury, from the Committee on Commerce, to whom the message of the 31st January nominating Joseph Sands, Benjamin I. Harrison, and Robert M. Harrison were referred, reported.

Whereupon

*Resolved,* That the Senate do advise and consent to the appointments of Benjamin I. Harrison and Robert M. Harrison, agreeably to their respective nominations.

#### FRIDAY, FEBRUARY 4, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States:*

I nominate to the Senate of the United States Thomas J. V. Owen, of Illinois, to be Indian agent at Chicago, in the place of Alexander Wolcott, jun'r, deceased.

ANDREW JACKSON.

WASHINGTON, *February 4th*, 1831.

*To the Senate of the United States:*

I nominate to the Senate Joseph Saul, esq'r, of Louisiana, to be consul of the United States at Tripoli, in the place of Charles D. Coxe, deceased.

ANDREW JACKSON.

FEBRUARY 4TH, 1831.

The messages were severally read.

The Senate proceeded, by unanimous consent, to consider the message nominating Thomas J. V. Owen; and

*Resolved,* That they do advise and consent to the appointment of Thomas J. V. Owen, agreeably to the nomination.

The Senate proceeded to consider the nomination of Henry Ashton, contained in the message of the 31st January; and

On the question, Will the Senate advise and consent to the appointment of Henry Ashton?

It was determined in the affirmative, { Yeas..... 34  
Nays..... 6



On motion by Mr. Johnston,

The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,

Messrs. Barnard, Benton, Bibb, Brown, Burnet, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Havne, Hendricks, Iredell, Kane, King, Knight, Livingston, McKinley, Naudain, Noble, Poin-dexter, Robbins, Robinson, Ruggles, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, Willey, Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Chase, Johnston, Marks, Seymour.

So it was

*Resolved*, That the Senate do advise and consent to the appointment of Henry Ashton, agreeably to the nomination.

## TUESDAY, FEBRUARY 8, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate Masters Commandant William B. Finch, William B. Shu-brick, Alexander Claxton, to be captains in the Navy.

Lieutenants James P. Oellers, John P. Zandtzing, Charles E. Crow-ley, William D. Salter, Charles S. McCauley, John H. Bell, Elie A. F. Vallette, William A. Spencer, Thomas T. Webb, John Percival, John H. Aulick, William V. Taylor, Mervine P. Mix, Bladen Dulany, Silas H. Stringham, to be masters commandant in the Navy.

Passed Midshipmen N. C. Lawrence, Amasa Paine, Nathaniel W. Duke, Edward J. Tilton, James H. Ward, Henry Hoff, Jonathan Inger-soll, Grey Skipwith, Murray Mason, Charles H. Davis, Stephen Johnston, Jona. W. Swift, Jerome Callan, Pedro C. Vaides, Charles M. Armstrong, Ebenezer Farrand, Henry H. Bell, Philip S. Stockton, William Smith, H. E. V. Robinson, to be lieutenants in the Navy.

ANDREW JACKSON.

WASHINGTON CITY, 7th February, 1831.

*To the Senate of the United States :*

I nominate Edward T. Dunn to be a purser in the Navy of the United States.

ANDREW JACKSON.

WASHINGTON CITY, 7th February, 1831.

The messages were read.

*Ordered*, That they be referred to the Committee on Naval Affairs.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate George B. Porter, esqr., to be marshal for the eastern district of Pennsylvania, in the place of John Conard, whose commission will expire on the 11th of this month.

I also nominate to the Senate Alexander Adair to be marshal for Middle Florida, to take effect after the 3rd of March next, when his present commission expires.

ANDREW JACKSON.

FEBRUARY 7th, 1831.

*To the Senate of the United States :*

I nominate to the Senate Nathaniel S. Benton to be attorney for the northern district of New York, to take effect from the 3d of March next, vice Samuel Beardsley, elected to Congress.

ANDREW JACKSON.

FEBRUARY 8th, 1831.

The messages were read.

The Senate proceeded, by unanimous consent, to consider the message nominating George P. Porter and Alexander Adair ; and

*Resolved*, That they do advise and consent to the appointment of George B. Porter, agreeably to the nomination.

*Ordered*, That the nomination of Alexander Adair be referred to the Committee on the Judiciary.

Mr. White, from the Committee on Indian Affairs, to whom were referred two treaties with the confederated tribes of Sac, Fox, and other Indians, transmitted by the President's message of the 30th December, reported the treaties severally without amendment.

The Senate resumed the consideration of the message of the 14th December nominating John Randolph Clay and others ; and

*Resolved*, That they do advise and consent to the appointment of Thomas B. Monroe, agreeably to the nomination.

On the question, Will the Senate advise and consent to the appointment of Frederick List ?

It was determined in the negative, { Yeas ..... 6  
Nays ..... 37

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Benton, Bibb, Dickerson, Dudley, Kane, White.

Those who voted in the negative are,

Messrs. Barnard, Barton, Bell, Brown, Burnet, Chambers, Chase, Clayton, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, King, Livingston, McKinley, Marks, Naudain, Noble, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith of Md., Smith of S. C., Sprague, Troup, Tyler, Webster, Woodbury.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of Frederick List.

MONDAY, FEBRUARY 14, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate Joshua Lippincott, of Pennsylvania, to be a director of the Bank of the United States, vice Nicholas Biddle, elected a director by the stockholders.

ANDREW JACKSON.

WASHINGTON, February 8, 1831.

*To the Senate of the United States :*

I nominate Edmund Byrne to be a lieutenant in the Navy from 13th January, 1825, and to take rank next after Lieutenant John Kelly.

For the reason of this nomination I refer the Senate to the accompanying documents.

ANDREW JACKSON.

WASHINGTON CITY, 7th February, 1831.

*To the Senate of the United States :*

I nominate to the Senate George Wise and George W. P. Custis, of the District of Columbia, to be justices of the peace for the county of Alexandria, in said District, and Nathan Luffborough, Enoch Reynolds, Richmond Johnson, and Charles H. W. Wharton, of the District of Columbia, to be justices of the peace for the county of Washington, in said District.

ANDREW JACKSON.

FEBRUARY 9, 1831.

*To the Senate of the United States :*

I nominate Lieutenant Thomas M. Newell to be a master commandant in the Navy, to take rank next after John H. Bell.

ANDREW JACKSON.

The papers accompanying the nomination and Lieutenant Oeller's, are respectfully referred to.

A. J.

WASHINGTON CITY, DIST. COL'A, 10th February, 1831.

*To the Senate of the United States :*

I nominate Abraham Edwards to be register of the land office for the district of lands subject to sale at Monroe, in the Territory of Michigan, from the 3d day of March, 1831, when the commission of Robert Clarke will expire.

Charles James Lanman to be receiver of public moneys for the district of lands subject to sale at Monroe, in the Territory of Michigan, from the 3d day of March, 1831, when his present commission will expire.

ANDREW JACKSON.

WASHINGTON, February, 1831.

*To the Senate of the United States :*

I nominate to the Senate Reuben Harvey as consul of the United States for the port of Cork, Ireland, in the place of Reuben Harvey, deceased.

ANDREW JACKSON.

WASHINGTON, Feb'y 14, 1831.

The messages were severally read.

*Ordered*, That the message nominating Edmund Byrne and Thomas M. Newell be referred to the Committee on Naval Affairs.

*Ordered*, That the message nominating Abraham Edwards and Charles James Lanman be referred to the Committee on Public Lands.

*Ordered*, That the message nominating Reuben Harvey be referred to the Committee on Commerce.

On motion by Mr. Holmes,

*Ordered*, That the message of the 31st January, transmitting, in compliance with a resolution of the Senate, a report of the Secretary of the Navy in relation to the live oak within the United States, be printed in confidence for the use of the Senate.

Mr. Poindexter submitted the following resolutions :

1. *Resolved*, That the Indian tribes or nations residing within the limits of the United States of America cannot, according to the principles of national law or political sovereignty, be regarded as independent foreign states.

2. *Resolved*, That an agreement, compact, or convention entered into with any tribe or nation of Indians for the relinquishment of the title of occupancy for the whole or any part of the territory occupied by such tribe or nation of Indians is not a treaty within the spirit and meaning of the second section of the second article of the Constitution of the United States.

3. *Resolved*, That the President of the United States be requested to carry into effect the treaty or convention for the exchange of territory entered into with the Choctaw tribe or nation of Indians, at Dancing Rabbit Creek, on the 30th September, 1830, so far as he is authorized to do so by the provisions of the act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi."

4. *Resolved*, That the said treaty or convention with the Choctaw tribe of Indians be referred to the Secretary of War, with instructions to report to the Senate an estimate of the appropriations of money necessary to carry the same into effect according to the stipulations made therein on the part of the United States.

*Ordered*, That they lie on the table and be printed in confidence for the use of the Senate.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, on the 31st January, the message nominating Charles Stewart and others, reported in part.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Charles Stewart and Charles R. Broom, agreeably to their respective nominations.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the message of the 8th instant nominating William B. Finch and others, reported on the nominations of William B. Finch, William B. Shubrick, and Alexander Claxton.

The Senate proceeded to consider the nomination of William B. Finch; and,

On motion by Mr. King,

*Ordered*, That it lie on the table.

Mr. Tazewell, from the Committee on Foreign Relations, to whom was referred the nomination of Nathaniel Niles, contained in the message of the 14th December, reported.

Mr. Tazewell, from the Committee on Foreign Relations, to whom was referred the message of the 9th December nominating George Winchester, Jesse Hoyt, and Stephen Simpson, reported.

The Senate proceeded to consider the message of the 28th December nominating James McElvain and others; and

*Resolved*, That they do advise and consent to the appointment of James McElvain and Felix St. Vrain, agreeably to their respective nominations.

The Senate proceeded to consider the message of the 31st January nominating Joseph Sands; and

*Resolved*, That they do advise and consent to the appointment of Joseph Sands, agreeably to the nomination.

The Senate resumed the consideration of the nomination of William H. Wickes, contained in the message of the 17th December; and

*Resolved*, That they do advise and consent to the appointment of William H. Wickes, agreeably to the nomination.

MONDAY, FEBRUARY 15, 1831.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred, the 8th instant, the nomination of Alexander Adair, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Alexander Adair, agreeably to the nomination.

Mr. McKinley, from the Committee on the Judiciary, to whom were referred, the 31st January, the nominations of Daniel Le Roy and others to be district attorney, judge, and marshals, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointments of Daniel Le Roy, John Nicholson, Waters Smith, and Thomas P. Eskridge, agreeably to their respective nominations.

The Senate proceeded to consider the message of the 8th February nominating Nathaniel S. Benton; and

*Resolved*, That the Senate do advise and consent to the appointment of Nathaniel S. Benton, agreeably to the nomination.

The Senate resumed the consideration of the nomination of Nathaniel Niles, contained in the message of the 14th December nominating John Randolph Clay and others; and

*Resolved*, That they do advise and consent to the appointment of Nathaniel Niles, agreeably to the nomination.

The Senate resumed the consideration of the message of the 9th December nominating George Winchester and others; and

*Ordered*, That the nominations lie on the table.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the message of the 14th instant nominating Reuben Harvey, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Reuben Harvey, agreeably to the nomination.

The treaty of peace and friendship with the confederated tribes of Sacs and Foxes, and the Sioux, Winnebagoes, and Menomonies, was read the second time and considered as in Committee of the Whole.

On motion by Mr. Forsyth,

*Ordered*, That it lie on the table.

The treaty of cession with the confederated tribes of Sacs, Foxes, and other Indians was read the second time and considered as in Committee of the Whole; and no amendment having been made thereto, it was reported to the Senate.

Mr. White submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate do advise and consent to the ratification of the treaty between the United States of America and the confederated tribes of the Sacs and Foxes, the Medawahkanton, Wahpacoota, Wahpeton, and Sissetong bands or tribes of Sioux, the Omahas, Ioways, Ottoes, and Missourias, concluded at Prairie du Chien, in the Territory of Michigan, the 15th day of July, 1830.

The Senate proceeded to consider the resolution, by unanimous consent.



On the question to agree thereto,  
It was determined in the affirmative, yeas 32.

Those who voted in the affirmative are,

Messrs. Barton, Bell, Benton, Bibb, Brown, Burnet, Chambers, Dudley, Ellis, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Naudain, Poindexter, Robbins, Robinson, Seymour, Silsbee, Sprague, Tazewell, Tyler, White, Woodbury.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

THURSDAY, FEBRUARY 17, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate Master Comm't Charles W. Morgan to be a captain in the Navy.

ANDREW JACKSON.

WASHINGTON CITY, 11 Feb., 1831.

*To the Senate of the United States :*

I withdraw the nomination of Richmond Johnson to be a justice of the peace for the county of Washington, in the District of Columbia, made to the Senate in my message of the 7th instant.

ANDREW JACKSON.

FEBRUARY 16TH, 1831.

*To the Senate of the United States :*

I renominate to the Senate John Coffee, of Alabama to be surveyor of public lands in Alabama, to take effect after the expiration of his present commission.

I also nominate to the Senate John Holtzman, of Georgetown, to be a justice of the peace for the county of Washington, in the District of Columbia.

ANDREW JACKSON.

FEBRUARY 16TH, 1831.

*To the Senate of the United States :*

I nominate Charles C. P. Hunt to be collector of customs for the district of Miami, and inspector of the revenue for the port of Maumee, in the State of Ohio, vice Lemuel T. Lloyd, resigned.

ANDREW JACKSON.

WASHINGTON, February 17th, 1831.

The messages were severally read.

*Ordered*, That the messages nominating Charles W. Morgan be referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of John Coffee be referred to the Committee on Public Lands.

The treaty with the Choctaw Indians was read the second time, and considered as in Committee of the Whole.

On motion by Mr. Poindexter,

*Ordered*, That it lie on the table.

The following motion, submitted by Mr. Benton, was considered and agreed to.

*Resolved*, That the Committee on Indian Affairs be authorized to call before them any persons now in Washington City, and take their examinations, on oath, relative to the country destined for the use of the Choctaws and other Indians beyond the Mississippi, and the actual condition of the Indians who have removed, and report the said examinations to the Senate.

SATURDAY, FEBRUARY 19, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

Agreeably to the suggestions made in the within letter, I withdraw the nomination of Stockly D. Hays for the office of surveyor of public lands, and nominate to the same, in his place, Gideon Fitz, now register of the land office at Clinton, Mississippi.

I nominate Stockly D. Hays to be register of the land office at Clinton, Mississippi, in the place of Gideon Fitz.

ANDREW JACKSON.

FEBRUARY 18TH, 1831.

*To the Senate of the United States :*

I withdraw the nomination of Charles James Lanman to be receiver of public moneys for the district of lands subject to sale at Munroe, in the Territory of Michigan, from the 3d day of March, 1831, and nominate in his place John P. Sheldon, of Detroit, for said office.

ANDREW JACKSON.

FEBRUARY 18TH, 1831.

The messages were severally read.

The Senate proceeded, by unanimous consent, to consider the message nominating Gideon Fitz; and

*Resolved*, That the Senate do advise and consent to the appointment of Gideon Fitz, agreeably to the nomination.

*Ordered*, That the nomination of Stockly D. Hays be referred to the Committee on Public Lands.

*Ordered*, That the message nominating John P. Sheldon be referred to the same committee.

Mr. Hayne, from the Committee on Naval Affairs, to whom the message of the 17th instant nominating Charles W. Morgan was referred, reported.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the message of 8th February, nominating Edward T. Dunn, reported.

Mr. Benton, from the Committee on Indian Affairs, who were authorized by the resolution of the Senate of the 17th instant to take depositions relative to the country destined for the use of the Indians beyond the Mississippi, submitted the answers of William Clark, Superintendent of Indian Affairs at St. Louis, to certain interrogatories propounded to him by the committee.

The document was read.

Mr. White, from the Committee on Indian Affairs, to whom the nomination of Samuel C. Stambaugh was referred, the 28th instant, reported thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the treaty with the Choctaw Indians; and no amendment having been made, it was reported to the Senate.

Mr. White submitted the following resolution, which was considered by unanimous consent:

*Resolved (two-thirds of the Senators present concurring),* That the Senate do advise and consent to the ratification of the treaty between the United States of America and the Mingoes chiefs, captains, and warriors of the Choctaw Nation, concluded at Dancing Rabbit Creek on the 15th of September, 1830, together with the supplement thereto, concluded at the same place the 28th September, 1830.

A motion was made by Mr. Knight to amend the resolution by inserting after "That," in the second line, the following: *disavowing the principle asserted by the Commissioners in the preamble, that the President cannot protect the "Choctaw People" in their rights and possessions in the State of Mississippi; but, on the contrary, he has full power and authority so to do, and with this asseveration:*

And after debate,

On motion by Mr. Hendricks,

It was agreed to recommit the treaty to the Committee of the Whole.

On motion by Mr. Hendricks to strike out the preamble of the treaty,

The question was put, Shall the following words, "Whereas the general assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same; and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws; now, therefore, that the Choctaws may live under their own laws, in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi, and have accordingly agreed to the following articles of treaty," stand part of the treaty; and

It was determined in the negative, {	Yeas.....	11
	Nays .....	32

Those who voted in the affirmative are,

Messrs. Benton, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, King, Livingston, Tazewell, White.

Those who voted in the negative are,

Messrs. Barnard, Barton, Bell, Bibb, Burnet, Chambers, Chase, Dickerson, Foot, Frelinghuysen, Hendricks, Holmes, Iredell, Johnston, Kane, Knight, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Sanford, Seymour, Smith of Md., Smith of S. C., Sprague, Troup, Tyler, Willey, Woodbury.

So the motion to strike out the preamble was agreed to.

No further amendment having been made, the treaty was reported to the Senate, the question again put, and the amendment concurred in.

Mr. White submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring),* That the Senate do advise and consent to the ratification of the treaty between the United States of America, and the Mingoes, chiefs, captains, and warriors of the Choctaw Nation, concluded, at Dancing Rabbit Creek, on the 15th of September, 1830, with the exception of the preamble.

MONDAY, FEBRUARY 21, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States :*

I nominate Jonathan D. Ferris, sailing-master, to be a lieutenant in the Navy of the United States.

ANDREW JACKSON.

WASHINGTON CITY, 19th February, 1831.

*To the Senate of the United States :*

I nominate to the Senate Edward Frost, of South Carolina, to be district attorney of the United States for South Carolina, in the place of John Gadsden, deceased.

ANDREW JACKSON.

FEBRUARY 21ST, 1831.

The messages were read.

*Ordered*, That the message nominating Jonathan D. Ferris be referred to the Committee on Naval Affairs.

The following motion, submitted by Mr. Chambers, was considered and agreed to:

Whereas the President of the United States, in his message of the 7th instant, has nominated to the Senate Masters Commandant William B. Finch, William B. Shubrick, and Alexander Claxton to be captains in the Navy of the United States; and the Secretary of the Navy, in a report made by him to the President, and accompanying said message, has expressed his intention to erase the names of Masters Commandant George Budd and John Porter from the list of officers, provided the Senate shall confirm the said nominations, thereby placing the Senate in a position which might give to their vote on the nominations an influence on the conduct of the Executive Government, which the Senate do not intend: Therefore

*Resolved*, That the Senate will proceed to consider the nominations of Masters Commandant Finch, Shubrick, and Claxton, disclaiming any intention by their vote on said nominations to express an opinion as to the propriety of striking from the roll of officers the names of said George Budd and John Porter.

The Senate resumed the consideration of the nominations of William B. Finch, William B. Shubrick, and Alexander Claxton, contained in the message of the 8th instant; and

*Resolved*, That they do advise and consent to the appointments of William B. Finch, William B. Shubrick, and Alexander Claxton, agreeably to their respective nominations.

The Senate proceeded to consider the message of the 17th instant nominating Charles W. Morgan; and

*Resolved*, That they do advise and consent to the appointment of Charles W. Morgan, agreeably to the nomination.

The Senate proceeded to consider the message of the 8th instant nominating Edward T. Dunn; and

*Resolved*, That the Senate do advise and consent to the appointment of Edward T. Dunn, agreeably to the nomination.

Mr. Poindexter withdrew the resolution relating to the ratification of Indian treaties submitted the 14th instant.

Mr. Kane submitted the following motion; which was considered and agreed to:

*Ordered*, That the principal or the executive clerk, in the office of the Secretary of the Senate, be authorized to officiate in the Senate, under the direction of the Secretary, during the transaction of executive business.

Mr. Barton, from the Committee on Public Lands, to whom were referred the nominations of Abraham Edwards, John Coffee, and Stockly D. Hays, contained in the messages of the 14th, 17th, and 19th instant, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the nominations of Abraham Edwards and John Coffee, agreeably to their respective nominations.

On the question, Will the Senate advise and consent to the appointment of Stockly D. Hays?

It was determined in the affirmative, { Yeas ..... 25  
Nays ..... 19

On motion by Mr. Marks,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, King, Livingston, McKinley, Poindexter, Robbins, Robinson, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, White, Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Ruggles, Seymour, Silsbee, Sprague, Webster, Willey.

So it was

*Resolved*, That the Senate do advise and consent to the appointment of Stockly D. Hays, agreeably to the nomination.

The Senate resumed the consideration of the treaty with the Choctaw Indians, together with the resolution submitted the 19th instant to ratify the same.

On motion by Mr. Knight to amend the resolution by inserting after the word "that," in the second line, the following words: *Disavowing the principle asserted by the commissioners, in their negotiation, that the President cannot protect the Choctaw people in their property, rights, and possessions in the State of Mississippi,*

It was determined in the negative, { Yeas ..... 19  
Nays ..... 25

Those who voted in the affirmative are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Sprague, Willey.

Those who voted in the negative are,

Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, King, Livingston, McKinley, Poindexter, Robinson, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, White, Woodbury.

On the question to agree to the resolution,

It was determined in the affirmative, { Yeas ..... 33  
Nays ..... 12



Those who voted in the affirmative are

Messrs. Bell, Benton, Bibb, Brown, Chase, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Poindexter, Robbins, Robinson, Ruggles, Sanford, Smith of Md., Smith of S. C., Tazewell, Troup, Tyler, White, Willey, Woodbury.

Those who voted in the negative are,

Messrs. Barton, Burnet, Chaimbers, Clayton, Foot, Frelinghuysen, Marks, Naudain, Noble, Seymour, Silsbee, Sprague.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. White,

*Ordered*, That the Secretary return the Choctaw treaty to the President of the United States.

Mr. Benton submitted the following motion; which was read and considered :

*Resolved*, That three thousand copies of the communications from General William Clark, General Campbell, and Mr. A. P. Choteau be printed for the use of the Senate, and that the injunction of secrecy be removed from all the proceedings had in the Senate on the ratification of the Choctaw treaty.

On motion by Mr. Frelinghuysen,

The motion was amended by inserting at the end thereof *and all the proceedings and documents in relation to, and connected with, the Choctaw treaty, as well as the message of the President of the United States of May 6, 1830, and the documents accompanying the same.*

On the question to agree to the motion,

A division was called for; and being taken on so much as relates to the printing,

It was determined in the negative.

The residue of the motion was concurred in.

So it was

*Resolved*, That the injunction of secrecy be removed from all the proceedings had in the Senate on the ratification of the Choctaw treaty; and all the proceedings and documents in relation to and connected with the Choctaw treaty, as well as the message of the President of the United States of May 6, 1830, and the documents accompanying the same.

On motion by Mr. Benton,

*Resolved*, That the injunction of secrecy be removed from the communications of General William Clark, General Campbell, and Mr. A. P. Choteau, as communicated to the Senate through the Committee on Indian Affairs.

Mr. Holmes submitted the following motion :

*Resolved*, That the injunction of secrecy be removed from all the proceedings on the nomination of Stockly D. Hays for register of the land office in Mississippi, including the resolution and the proceedings thereon of the 3d of February, 1831.

*Ordered*, That it lie on the table.

The Senate resumed the consideration of the nomination of James G. Reed, contained in the message of the 20th December; and

*Resolved*, That they do advise and consent to the appointment of James G. Reed, agreeably to the nomination.

MONDAY, FEBRUARY 28, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate David J. Baker, of Illinois, to be district attorney of the United States for the State of Illinois, vice Samuel McRoberts, nominated to the Senate as receiver of public moneys at Danville, in that State.

ANDREW JACKSON.

FEBRUARY 22D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Elias Rector, of Arkansas, as marshal of the United States for the Territory of Arkansas, in the place of George W. Scott, removed.

ANDREW JACKSON.

FEBRUARY 22D, 1831.

*To the Senate of the United States :*

I nominate to the Senate George W. Crump, of Virginia, as consul of the United States for the Island of St. Bartholomew, in the place of Robert M. Harrison, appointed to the port of Kingston, Jamaica.

ANDREW JACKSON.

FEBRUARY 22D, 1831.

*To the Senate of the United States :*

I nominate Samuel Alexander to be register of the land office for the district of lands subject to sale at Quincy, in the State of Illinois.

Thomas Carlin to be receiver of public moneys for the district of lands subject to sale at Quincy, in the State of Illinois.

Francis Prince to be register of the land office for the district of lands subject to sale at Danville, in the State of Illinois.

Samuel McRoberts to be receiver of public moneys for the district of lands subject to sale at Danville, in the State of Illinois.

ANDREW JACKSON.

WASHINGTON, February 22, 1831.

*To the Senate of the United States :*

I nominate John Biddle to be register of the land office for the district of lands subject to sale at Detroit, in the Territory of Michigan, from the 10th day of January, 1831, when his commission expired.

ANDREW JACKSON.

WASHINGTON, February 22, 1831.

*To the Senate of the United States :*

I nominate to the Senate John Cuthbert, of Pennsylvania, as consul of the United States for the port of Hamburg, the appointment to take effect on the 4th of March next, in the place of Frederick List, whose commission expires at that time.

ANDREW JACKSON.

FEB'Y 22, 1831.

*To the Senate of the United States :*

I nominate to the Senate Samuel Allison, of New Jersey, as consul of the United States at Lyons, in France, in the place of Cornelius Bradford, deceased.

ANDREW JACKSON.

FEBRUARY 23D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Lemuel Wells, of New York, as consul of the United States at St. Catharines, Brazil.

ANDREW JACKSON.

*To the Senate of the United States :*

I nominate John A. Bates, of Massachusetts, to be a purser in the Navy of the United States.

ANDREW JACKSON.

*To the Senate of the United States :*

I nominate to the Senate John McElvain, of Ohio, to be Indian agent at Piqua, in said State, in place of James McElvain, whose nomination was confirmed by the Senate on the 14th instant, and by mistake the name of James was used instead of John.

ANDREW JACKSON.

FEBRUARY 23D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Thomas Carberry, James Dunlap, and William O'Neale, of the District of Columbia, to be inspectors of the penitentiary in said District; and Benjamin Williams, of the same District, to be warden of the penitentiary.

ANDREW JACKSON.

FEBRUARY 28, 1831.

*To the Senate of the United States :*

Lemuel T. Lloyd having recently resigned the office of collector of the customs at Maumee, Ohio, under the expectation, as expressed in his letter, of the near approach of death, Charles P. Hunt was nominated to the Senate to succeed him. Since that time I have received information, by letters from Mr. Hunt, that Mr. Lloyd is recovering from his illness. I therefore withdraw the nomination of Mr. Hunt for collector of the customs for the district of Miami and inspector of the revenue for the port of Maumee, in the State of Ohio, and renominate Lemuel T. Lloyd for that office.

ANDREW JACKSON.

WASHINGTON, *February* —, 1831.

The messages were read.

The Senate proceeded, by unanimous consent, to consider the message nominating John McElvain, of Ohio, to be Indian agent; and

*Resolved*, That they do advise and consent to the appointment of John McElvain, agreeably to the nomination.

*Ordered*, That the message nominating John Biddle be referred to the Committee on Public Lands.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I present, for the consideration of the Senate, articles of agreement entered into and concluded, by commissioners duly appointed on the part of the United States and the chiefs of the Menominee tribe of Indians at Green Bay. Various attempts were made to reconcile the conflicting interests of the New York Indians, but without success, as will appear by the report made by the Secretary of War. No stipulation in their favor could be introduced into the agreement without the consent of the Menominees, and that consent could not be obtained to any greater extent than the articles show.

Congress only is competent, now, to adjust and arrange these differences and satisfy the demands of the New York Indians. The whole matter is respectfully submitted.

ANDREW JACKSON.

The message, agreement, and accompanying documents were read.

*Ordered*, That they be referred to the Committee on Indian Affairs, and that the treaty and documents be printed, in confidence, for the use of the Senate.

The following message was received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I submit to the consideration of the Senate of the United States articles of agreement and convention, concluded this day between the United States, by a commissioner duly authorized, and the Seneca tribe of Indians resident in the State of Ohio.

ANDREW JACKSON.

The message and articles of agreement were read.

*Ordered*, That they be referred to the Committee on Indian Affairs and be printed in confidence for the use of the Senate.

Mr. Sanford presented the memorial of John W. Quinney and others, delegates from certain tribes of New York Indians, remonstrating against the provisions of a treaty recently concluded with the Menominee Indians.

The memorial was read.

On motion by Mr. Sanford,

*Ordered*, That it be referred to the Committee on Indian Affairs and be printed in confidence, with the accompanying documents, for the use of the Senate.

Mr. Barton, from the Committee on Public Lands, to whom was referred, the 19th instant, the nomination of John P. Sheldon, reported.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, the 21st instant, the nomination of Jonathan D. Ferris, made the following report:

The committee, to whom was referred the nomination of Sailing-Master Jonathan D. Ferris to be a lieutenant in the Navy, report:

That it appears that Mr. Ferris is a gentleman of good character and highly recommended. But inasmuch as this is believed to be the first case since the peace of the promotion of a sailing-master to be a lieutenant over the heads of the past midshipmen, they deem it to be their

duty to bring the subject specially to the view of the Senate, in order to obtain a decision which may serve as a precedent in future cases.

In the early history of the Navy it was found necessary to appoint sailing-masters to lieutenancies, and during the late war a few cases occurred of such promotions as a reward for extraordinary gallantry in battle. But since the better organization of the Navy the rule has been invariably adhered to of confining these promotions to the midshipmen who have been duly examined and found qualified for promotion; and indeed it has been found expedient in many cases to employ past midshipmen as sailing-masters. These officers are in most cases old sailors, having great skill in seamanship, but not qualified by education or habits for promotion in the line; and it is believed by the committee that the example of such a promotion (except in time of war, for extraordinary services) would be in its tendency injurious to the discipline of the service. It is better that an individual as meritorious as Mr. Ferris is represented to be should remain in his present station than that a door should be opened to the practice of introducing sailing-masters into the higher grades of the Navy.

With these views of the subject, the committee submit the case of Sailing-Master Ferris to the consideration of the Senate.

The report was read.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, the 14th instant, the nomination of Edmund Byrne, made the following report:

The Committee on Naval Affairs, to whom was referred the nomination of Lieutenant Byrne to be restored to his former rank in the Navy, from which he was stricken by order of the Executive, report: That they are satisfied that injustice was done to Lieutenant Byrne in this case; that the Secretary of the Navy, at whose suggestion Lieutenant Byrne was stricken from the roll, is also satisfied that the merits of his case were not fully understood. Under these circumstances the committee recommend his restoration to the rank held by him before his dismissal, and that this should be done without admitting the correctness of the restoration to the same rank of any officer who may be dismissed the service, except when it clearly appears that the proceeding is founded in manifest error and mistake.

The report was read.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, the 14th February, the nomination of Thomas M. Newell, reported.

Mr. Hayne, from the Committee of Naval Affairs, to whom was referred, the message of the 8th of February nominating to promotions in the Navy, reported thereon.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the message of the 17th December nominating to promotions and appointments in the Army, reported.

The Senate proceeded to consider the message; and

*Resolved*, That they do advise and consent to the promotions and appointments contained therein, agreeably to the respective nominations.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the message of the 28th December nominating to promotions in the Army, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the promotion of R. E. De Russey, Andrew Talcott, George Dutton, and William H. C. Bartlett, agreeably to their respective nominations.



Mr. Chambers, from the Committee on the District of Columbia, to whom was referred the nomination of William O'Neal, reported.

The Senate proceeded to consider the message of the 21st instant nominating Edward Frost; and

*Resolved*, That they do advise and consent to the appointment of Edward Frost, agreeably to the nomination.

WEDNESDAY, MARCH 2, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate Thomas E. Burfoot, of Virginia, to be district attorney of the United States for the eastern district of Virginia, vice Robert Stannard, resigned.

ANDREW JACKSON.

MARCH 1ST, 1831.

I nominate to the Senate Robert Fulton, of New York, as secretary to the commission under the convention between the United States and the King of Denmark of the 28th of March, 1830; Lewis Shoemaker, at present commercial agent of the United States at Matanzas, in the Island of Cuba, as their consul at that place.

ANDREW JACKSON.

WASHINGTON, *February* 28, 1831.

*To the Senate of the United States :*

I nominate Captain William H. Freeman, of the Marine Corps, to be a lieutenant-colonel of Marines by brevet.

ANDREW JACKSON.

WASHINGTON CITY, 1 *March*, 1831.

*To the Senate of the United States :*

John H. Clack, a master commandant in the Navy of the United States, having rank as such from the 24th April, 1828, was, on the sentence of a court-martial, which was approved by me, ordered to be dismissed from the service. On a re-examination of the record of the trial, I am satisfied that the proceeding was illegal in substance, and therefore that the sentence was void.

To restore the party to the rights of which he was deprived, by the enforcement of a sentence which was in law erroneous and void, I nominate the said John H. Clack to be a master commandant in the Navy of the United States, to take rank as such from the 24th April, 1828.

ANDREW JACKSON.

MARCH 2, 1831.

The messages were severally read.

The Senate proceeded, by unanimous consent, to consider the message nominating Thomas E. Burfoot, Robert Fulton, and Lewis Shoemaker; and

*Resolved*, That they do advise and consent to the appointment of Thomas E. Burfoot, Robert Fulton, and Lewis Shoemaker, agreeably to their respective nominations.

*Ordered*, That the message nominating John H. Clack be referred to the Committee on Naval Affairs.

Mr. Barton, from the Committee on Public Lands, to whom was referred the message of the 28th February nominating John Biddle, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of John Biddle, agreeably to the nomination.

The Senate proceeded to consider the nomination of John L. Leib, contained in the message of the 14th December nominating John Randolph Clay and others.

On the question, Will the Senate advise and consent to the appointment of John L. Leib?

It was determined in the negative, { Yeas ..... 5  
Nays..... 35

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Dickerson, Ellis, Grundy, McKinley, Sanford.

Those who voted in the negative are,

Messrs. Barton, Bell, Benton, Bibb, Burnet, Chambers, Chase, Clayton, Dudley, Foot, Forsyth, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Livingston, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith of Md., Sprague, Tazewell, Tyler, Webster, Willey, Woodbury.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of John L. Leib.

The Senate resumed the consideration of the message of December 9th nominating George Winchester and others; and

*Resolved*, That they do advise and consent to the appointment of George Winchester and Jesse Hoyt, agreeably to their respective nominations.

On the question, Will the Senate advise and consent to the appointment of Stephen Simpson?

It was determined in the negative, { Yeas ..... 18  
Nays..... 25

On motion by Mr. Grundy,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hendricks, Iredell, Kane, King, Livingston, McKinley, Robinson, Sanford, Smith of Md., Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Marks, Naudain, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Smith of S. C., Sprague, Tazewell, Tyler, Webster, Willey.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of Stephen Simpson.

The Senate proceeded to considered the nominations for promotion in the Navy, contained in the message of the 8th of February nominating William B. Finch and others; and

*Ordered*, That the nominations lie on the table.

The Senate proceeded to consider the nomination of William O'Neal to be a justice of the peace; and

*Ordered*, That it lie on the table.

The Senate resumed the consideration of the nomination of Joseph Friend, contained in the message of the 16th December; and

*Resolved*, That they do advise and consent to the appointment of Joseph Friend, agreeably to the nomination.

The Senate proceeded to consider the messages of the 3d and 4th February, nominating John A. Cameron and Joseph Saul; and

*Resolved*, That they do advise and consent to the appointment of John A. Cameron and Joseph Saul, agreeably to their respective nominations.

The Senate proceeded to consider the message of the 14th February, nominating Joshua Lippincott a director of the Bank of the United States; and

*Resolved*, That they do advise and consent to the appointment of Joseph Lippincott, agreeably to the nomination.

The Senate proceeded to consider the message of the 14th inst. nominating George Wise and others justices of the peace; and

*Resolved*, That they do advise and consent to the appointment of George Wise, George W. P. Custis, Nathan Luffborough, Enoch Reynolds, and Charles H. W. Wharton, agreeably to their respective nominations.

The Senate proceeded to consider the nomination of John Holtzman, contained in the message of the 17th of February; and

*Resolved*, That they do advise and consent to the appointment of John Holtzman, agreeably to the nomination.

The Senate proceeded to consider the message of the 19th February, withdrawing the nomination of James Lanman, and nominating in his stead John P. Sheldon.

On the question Will the Senate advise and consent to the appointment of John P. Sheldon?

It was determined in the negative, { Yeas ..... 18  
Nays ..... 19

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Benton, Bibb, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, Livingston, McKinley, Poindexter, Robinson, Sanford, Smith of Md., Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Knight, Marks, Naudain, Robbins, Ruggles, Seymour, Smith of S. C., Sprague, Tyler, Willey.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of John P. Sheldon as receiver at Monroe, in the Territory of Michigan.

The Senate proceeded to consider the messages of the 28th of February, nominating David J. Baker, Elias Rector, and George W. Crump; and

*Resolved*, That they do advise and consent to the appointment of David J. Baker, Elias Rector, and George W. Crump, agreeably to the respective nominations.

The Senate proceeded to consider the message of the 28th February, nominating Samuel Alexander and others; and

*Resolved*, That they do advise and consent to the appointment of Samuel Alexander, Thomas Carlin, Francis Prince, and Samuel McRoberts, agreeably to their respective nominations.

The Senate proceeded to consider the messages of the 28th of February,

nominating John Cuthbert, Samuel Allinson, Lemuel Wells, and John A. Bates; and

*Resolved*, That they do advise and consent to the appointment of John Cuthbert, Samuel Allinson, Lemuel Wells, and John A. Bates, agreeably to their respective nominations.

The Senate proceeded to consider the message nominating Thomas Carberry, James Dunlap, William O'Neale, and Benjamin Williams, inspectors and warden of the penitentiary; and

*Resolved*, That they do advise and consent to the appointment of Thomas Carberry, James Dunlap, William O'Neale, and Benjamin Williams, agreeably to their respective nominations.

The Senate proceeded to consider the message of the 28th February, nominating Lemuel T. Lloyd; and

*Ordered*, That it be referred to the Committee on Commerce.

The Senate proceeded to consider the message nominating Edmund Byrne as a lieutenant in the Navy; and

*Resolved*, That they do advise and consent to the appointment of Edmund Byrne, agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary:

*To the Senate of the United States :*

I nominate to the Senate William J. Duane, of Philadelphia, to be a commissioner under the convention with Denmark, in the place of Stephen Simpson, rejected by the Senate.

ANDREW JACKSON.

MARCH 2D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Thomas C. Sheldon, of Detroit, to be receiver of public moneys at Monroe, in the Territory of Michigan, in the place of John P. Sheldon, rejected by the Senate to-day.

ANDREW JACKSON.

MARCH 2D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Peter Desnoyers, of Detroit, to be marshal for the Territory of Michigan, in the place of John L. Leib, rejected to-day by the Senate.

ANDREW JACKSON.

MARCH 2D, 1831.

*To the Senate of the United States :*

I nominate to the Senate John Campbell to be agent to the Creek Indians, west of the Mississippi River, agreeably to the provisions of a treaty concluded between the United States and said nation of Indians.

ANDREW JACKSON.

MARCH 2D, 1831.

*To the Senate of the United States :*

I nominate Basil Shaw to be surveyor and inspector of the revenue for the port of Nashville, in the State of Tennessee

Charles Larabee to be surveyor and inspector of the revenue for the port of Cincinnati, in the State of Ohio.

James Dill to be collector of the customs for the port of Tampa Bay, in Florida.

ANDREW JACKSON.

MARCH 2D, 1831.

*To the Senate of the United States :*

I nominate Edward Jones to be surveyor and inspector of the revenue for the port of Pittsburg, in the State of Pennsylvania.

James W. Moss to be surveyor and inspector of the revenue for the port of Saint Louis, in the State of Missouri.

ANDREW JACKSON.

WASHINGTON, *March 2d*, 1831.

*To the Senate of the United States :*

I nominate to the Senate George W. Ewing, of Massachusetts, as chargé d'affaires of the United States to the Sublime Porte.

ANDREW JACKSON.

WASHINGTON, *2d March*, 1831.

*To the Senate of the United States :*

I nominate to the Senate John W. Bingy to be surveyor of the customs for port Pontchartrain, Louisiana.

ANDREW JACKSON.

MARCH *2d*, 1831.

The messages were severally read.

*Ordered*, That the message nominating Thomas C. Sheldon be referred to the Committee on Public Lands.

Mr. Benton, from the Committee on Indian Affairs, to whom was referred the convention between the United States and the Seneca tribe of Indians in Ohio, reported the same without amendment.

The convention was read the second time and considered as in Committee of the Whole; and no amendment having been made thereto, it was reported to the Senate.

Mr. Benton submitted the following resolution :

*Resolved (two-thirds of the Senators present concurring)*, That the Senate do advise and consent to the ratification of the convention between the United States of America and the chiefs and warriors of the Seneca tribe of Indians residing on the Sandusky River, in the State of Ohio, concluded at the city of Washington, on the 28th of February, 1831.

The Senate proceeded to consider the resolution by unanimous consent.

On the question to agree thereto,

It was determined in the affirmative, yeas 34.

Those who voted are,

Messrs. Barton, Bell, Benton, Bibb, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Johnston, Kane, King, Knight, Livingston, Marks, Naudain, Poindexter, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith of Md., Tazewell, Tyler, Webster, Woodbury.

*Ordered*, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Benton,

*Ordered*, That the injunction of secrecy be removed from the convention with the Seneca Indians.



THURSDAY, MARCH 3, 1831.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate to the Senate Nicholas Navoni, of Constantinople, as dragoman, or interpreter of languages, to the legation of the United States at Constantinople.

ANDREW JACKSON.

WASHINGTON, 3d March, 1831.

*To the Senate of the United States :*

I nominate to the Senate for promotion the officer mentioned in the inclosed letter from the Secretary of War.

ANDREW JACKSON.

MARCH 3D, 1831.

WAR DEPARTMENT, 1st March, 1831.

SIR: I have the honor to lay before you the annexed list of promotions in the Army of the United States.

I have the honor to be, sir, with great respect, your obedient servant.  
J. H. EATON.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE,  
Washington, 1st March, 1831.

PROMOTION IN THE ARMY OF THE UNITED STATES.

*Second Reg't of Artillery.*

Br. 2d Lieutenant Ormsby McK. Mitchell to be 2nd lieutenant, 1 July, 1829, vice Ridgely, resigned.

R. JONES, *Adj. Gen'l.*

The messages were severally read.

The Senate proceeded, by unanimous consent, to consider the message nominating Nicholas Navoni; and

*Resolved*, That they do advise and consent to the appointment of Nicholas Navoni, agreeably to the nomination.

The Senate proceeded, by unanimous consent, to consider the message nominating Ormsby McMitchell for promotion; and

*Resolved*, That they do advise and consent to the appointment of Ormsby McK. Mitchell, agreeably to the nomination.

The Senate proceeded to consider the message nominating William J. Duane; and

*Resolved*, That they do advise and consent to the appointment of William J. Duane, agreeably to the nomination.

Mr. Barton, from the Committee on Public Lands, to whom was referred the message of the 2d instant nominating Thomas C. Sheldon, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Thomas C. Sheldon, agreeably to the nomination.

The Senate proceeded to consider the message nominating Peter Desnoyers; and

*Resolved*, That they do advise and consent to the appointment of Peter Desnoyers, agreeably to the nomination.

The Senate proceeded to consider the message nominating John Campbell as Indian agent; and

*Resolved*, That they do advise and consent to appointment of John Campbell, agreeably to the nomination.

The Senate proceeded to consider the message nominating Basil Shaw and others; and

*Resolved*, That they do advise and consent to the appointment of Basil Shaw and Charles Larabee, agreeably to their respective nominations.

*Ordered*, That the nomination of James Dill be referred to the Committee on Commerce.

The Senate proceeded to consider the message nominating Edward Jones and James W. Moss; and

*Resolved*, That they do advise and consent to the appointment of Edward Jones and James W. Moss, agreeably to their respective nominations.

The Senate proceeded to consider the message nominating George W. Erving; and

*Resolved*, That they do advise and consent to the appointment of George W. Erving, agreeably to the nomination.

The Senate proceeded to consider the message nominating George W. Bingy; and

*Resolved*, That they do advise and consent to the appointment of George W. Bingy, agreeably to the nomination.

The Senate proceeded to consider the nomination of Samuel C. Stambaugh, contained in the message of the 28th December; and

On the question, Will the Senate advise and consent to the appointment of Samuel C. Stambaugh?

It was determined in the negative, { Yeas ..... 18  
Nays ..... 21

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bibb, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Iredell, Kane, King, Livingston, McKinley, Poindexter, Robinson, Sanford, Smith of Md., Smith of S. C., Woodbury.

Those who voted in the negative are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Knight, Marks, Naudain, Robbins, Seymour, Silsbee, Sprague, Tazewell, Tyler, Webster, Willey.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of Samuel C. Stambaugh.

The Senate resumed the consideration of the nominations for promotions in the Navy contained in the message of the 18th February.

On motion by Mr. Hayne,

*Ordered*, That the nominations of James P. Oellers and Charles E. Crowley be laid on the table.

On motion by Mr. King that the nomination of John P. Zandtzing be laid on the table,

It was determined in the affirmative, { Yeas ..... 17  
Nays ..... 14

On motion by Mr. Seymour,  
The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,  
Messrs. Barton, Bibb, Clayton, Dudley, Ellis, Foot, Hayne, Hendricks,  
Iredell, Johnston, King, Livingston, Sanford, Smith of Md., Smith of  
S. C., Sprague, Woodbury.

Those who voted in the negative are,  
Messrs. Bell, Burnet, Chambers, Chase, Dickerson, Frelinghuysen,  
Marks, Naudain, Robbins, Seymour, Silsbee, Webster, Willey.

On motion by Mr. Webster that the remaining nominations lie on the  
table,

It was determined in the negative, { Yeas ..... 15  
Nays ..... 16

On motion by Mr. Chambers,  
The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,  
Messrs. Barton, Bell, Chambers, Chase, Frelinghuysen, Hendricks,  
Johnston, Marks, Seymour, Silsbee, Smith of S. C., Tazewell, Webster,  
Willey, Woodbury.

Those who voted in the negative are,  
Messrs. Bibb, Burnet, Clayton, Dickerson, Dudley, Ellis, Foot, Grundy,  
Hayne, Iredell, King, Naudain, Robbins, Sanford, Smith of Md., Sprague.

On motion the Senate adjourned until 6 o'clock in the evening.

#### SIX O'CLOCK IN THE EVENING.

The Senate resumed the consideration of the nominations for promo-  
tion in the Navy, contained in the message of the 8th February.

On motion by Mr. Hayne,

*Ordered*, That the further consideration of the nominations of James  
P. Oellers, John P. Zandtzing, Charles E. Crowley, John H. Bell,  
Thomas T. Webb, and John Percival be postponed to the next session  
of the Senate.

On motion by Mr. Seymour to postpone the further consideration of  
the remaining nominations until the next session,

It was determined in the negative.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of  
William D. Salter, Charles S. McCauley, Elie A. F. Vallette, William  
A. Spencer, John H. Aulick, William V. Taylor, Mervine P. Mix, Bla-  
den Dulany, and Silas H. Stringham to be masters commandant in the  
Navy; and N. C. Lawrence, Amasa Paine, Nathaniel W. Duke, Ed-  
ward J. Tilton, James H. Ward, Henry Hoff, Jonathan Ingersoll, Grey  
Skipwith, Murray Mason, Charles H. Davis, Stephen Johnston, Jona-  
than W. Swift, Jerome Callan, Pedro C. Valdes, Charles M. Armstrong,  
Ebenezer Farrand, Henry H. Bell, Philip S. Stockton, William Smith,  
and H. E. V. Robinson to be lieutenants in the Navy, agreeably to  
their respective nominations.

The Senate resumed the consideration of the message of the 14th  
February nominating Thomas M. Newell to be a master commandant  
in the Navy; and

*Resolved*, That they do advise and consent to the appointment of  
Thomas M. Newell, agreeably to the nomination.

The following messages were received from the President of the United States, by Mr. Donelson, his secretary :

*To the Senate of the United States :*

I nominate James Dill to be collector of the customs for the St. John's district, in Florida, and withdraw his nomination as surveyor for the port of Tampa Bay, made yesterday from a misapprehension of the law authorizing the appointment.

ANDREW JACKSON.

MARCH 3D, 1831.

*To the Senate of the United States :*

I nominate to the Senate Andrew Elliott, of Virginia, to be surveyor and inspector of the revenue for the port of Wheeling.

ANDREW JACKSON.

MARCH 3, 1831.

*To the Senate of the United States :*

I nominate to the Senate Joshua Baker to be surveyor of the public lands for the State of Louisiana.

ANDREW JACKSON.

MARCH 3D, 1831.

The messages were severally read.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the nomination of James Dill, reported.

The Senate proceeded, by unanimous consent, to consider the messages nominating James Dill as collector for the St. John's district, Andrew Elliott, and Joshua Baker; and

*Resolved*, That they do advise and consent to the appointment of James Dill, Andrew Elliott, and Joshua Baker, agreeably to their respective nominations.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the nomination of George W. Walker, contained in the message of the 31st January nominating Charles Stewart and others, reported.

Whereupon

The Senate proceeded to consider the nomination; and

*Ordered*, That it lie on the table.

The Senate proceeded to consider the message of the 2nd instant nominating William H. Freeman; and

*Ordered*, That it lie on the table.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the message of the 2d instant nominating John H. Clack to be a master commandant, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of John H. Clack, agreeably to the nomination.

The Senate proceeded to consider the nomination of Jonathan D. Ferris; and

*Ordered*, That it lie on the table.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred, the 16th December, the nomination of Francis S. Neville, reported.

Whereupon

*Resolved*, That the Senate do advise and consent to the appointment of Francis S. Neville, agreeably to the nomination.

On motion by Mr. Woodbury,

*Ordered*, That the Committee on Commerce be discharged from the consideration of the nomination of Lemuel T. Lloyd.

The Senate proceeded to consider the nomination of Lemuel T. Lloyd; and

*Resolved*, That they do advise and consent to the appointment of Lemuel T. Lloyd, agreeably to the nomination.

On motion by Mr. Woodbury,

*Ordered*, That the injunction of secrecy be removed from such parts of the answer of the Executive to the call of December 16th, 1830, as relates to the dates and form of the commissions of the commissioners to negotiate a treaty with the Ottoman Porte.